CITY OF ROCHESTER COUNCIL AGENDA COUNCIL/BOARD CHAMBERS GOVERNMENT CENTER 151 4TH STREET SE

MEETING NO. 21 REGULAR

SEPTEMBER 3, 2003 7:00 P.M.

DLEDGE OF ALLEGIANCE

| PAGE 1-2 | A) | OPEN | COMMENT PERIOD |
|----------------------|----|----------------|---|
| | B) | CALL | TO ORDER |
| 3-6 7-14 15-16 | C) | 1) 2) 3) | Orderly Annexation Agreement with Kalmar Township Tom Nash Requests to be Heard RE: Airport Zoning Representatives of Local 21 Request to be Heard RE: Union Vote at Radisson Hotel |
| 17-18 | D) | CONS | ENT AGENDA/ORGANIZATIONAL BUSINESS |
| | | 1) | Approval of Minutes |
| 19-20 | | 2) | Agreement with the USAF 934 th Airlift Group for Training at the Rochester International Airport |
| 21-24 | | 3) | Licenses, Bonds & Miscellaneous Activities |
| 25-26 | | 4) | Approval of Accounts Payable |
| 27-28 | | 5) | Wetland Delineation and Replacement Plan – West 80 Development |
| 29-30 | | 6) | Wetland Delineation and Replacement Plan – Stonebridge Subdivision |
| 31-32 | | 7) | 2003 Citizen Corps and Community Emergency Response Team (CERT) Grant Program |
| 33-34 | | 8) | Donation to Police Department Honor Guard |
| 35-36 | | 9) | Acceptance of Donation from Pizza Plus |
| 37-38 | | 10) | Donation to Police Department Honor Guard |
| 39-40 | | 11) | Development Agreement – Manor Wood Lakes 7 |
| 41-42 | | 12) | Development Agreement – Krahns Harbor Estates |
| 43-44 | | 13) | Change Order No. 1, Traffic Signal 55 th Street NW at TH 52 W Frontage Rd/Clearwater Rd NW, J6389 |
| 45-46 | | 14) | Owner Contract – Basic Construction to Serve Wood Lake Park Phase Four (Lots 3 & 4, Block 2, Wood Lake Park Second Subdivision) – J5099 |
| | | | |

E) HEARINGS

1) Continued Hearing on Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig to Amend Land Use Plan from "low Density Residential" to "Industrial" on property located along the west side of TH63, east of East River Road NE and north of 41st Street NE.

| 49-50 | 2) | Continued Hearing on Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to rezone from the I to the M-1 zoning district on property located along the west side of TH63, east of East River Road NE and north of 41 st Street NE. |
|---------|-----|--|
| 51-52 | 3) | Continued Hearing on General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig |
| 53-54 | 4) | Receive Testimony on an Ordinance Creating and Enacting Chapter 77A of the Rochester Code of Ordinances Relating to the Creation of a Storm Water Utility and its related Fees and Charges. |
| 55-104 | 5) | Type III, Phase II Incentive Development Preliminary Plan #03-44 by Holy Anargyroi Greek Orthodox Church |
| 105-142 | 6) | Land Subdivision Permit #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision |
| 143-172 | 7) | Land Subdivision Permit #03-24 by Big DE Development to be known as Bandel North Second |
| 173-184 | 8) | Final Plat #02-66 by Western Walls, Inc. to be known as Manorwood Lakes Seventh |
| 185-194 | 9) | Final Plat #03-27 by Edward Becker to be known as Dooley Subdivision |
| 195-204 | 10) | Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat |
| 205-218 | 11) | Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located adjacent to Menards South Subdivision. |
| 219-224 | 12) | Annexation Petition #03-20 by Joel Bigelow, Robert & Cheryl Nelson and Doug & Rhonda Abbott to annex land located along the north side of 55 th Street NW, along the east side of 60 th Avenue NW. |
| 225-226 | 13) | Consider the Issuance of Revenue Bonds for a Multifamily Housing Project known as Eastridge Estates Project. |
| 227-228 | 14) | Consider an Amendment to the CDBG 2003 Action Plan to reallocate \$100,000 of the Contingency Funding to the Senior Citizens Center. |
| 229-236 | 15) | Annual Review of the Rural Service District Parcels |
| | | |

F) REPORTS AND RECOMMENDATIONS

237-238 G) RESOLUTIONS AND ORDINANCES

- H) TABLED ITEMS
- I) OTHER BUSINESS
- J) ADJOURNMENT

MEETING DATE: 9/3/03

AGENDA SECTION:
OPEN COMMENT PERIOD
OPEN COMMENT PERIOD
OPEN COMMENT PERIOD
ORIGINATING DEPT:
CITY ADMINISTRATOR
A

PREPARED BY:
S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

| COUNCIL ACTION: Motion by: | Second by: | to: | · · · · · · · · · · · · · · · · · · · |
|----------------------------|------------|-----|---|
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MEETING

DATE: 9/3/03

| AGENDA SECTION: Letters And Petitions | ORIGINATING DEPT: Administration | ITEM NO. |
|---|----------------------------------|---------------------------|
| ITEM DESCRIPTION: Orderly Annexation Agreement With Kalmar Township | | PREPARED BY: G NEUMANN |

Kalmar Township officials will be in attendance at this meeting for the Council action on the OA Agreement. Therefore I have placed this item under the Letters and Petition section so that it is acted upon at the beginning of the meeting.

The Mayor, Council President, staff from Public Works, City Attorney, and Administration have been meeting with Kalmar Township officials for several months to develop an Orderly Annexation Agreement that meets the needs of both Kalmar Township and the City of Rochester. The Council has previously been provided with a copy of the proposed agreement and information on the agreement provisions. Therefore, I will provide a brief summary of some of the major provisions of the agreement only.

The Orderly Annexation Agreement encompasses a 2640 acre portion of a watershed west of 60th Ave NW. The City obtains assurance that this area is available to accommodate the future growth of the City with reasonable annexation provisions. The assurance of a growth area and reasonable annexation provisions are the main benefits to the City from the agreement. To obtain these benefits, the City agreed to provisions that are beneficial to the Township in the form of 10 years of Township property tax payments from the City for annexed undeveloped lands, instead of the five year declining payments that are typically provided. In addition, the Township obtained an agreement that would allow "interim development" in the 11 to 25 year area of the Orderly Annexation and provisions that ensure that the City will compensate the Township for road damage due to City development accessing a Township road. In addition, the City agreed to a provision that eliminates the ability of the City to attempt contested annexation proceedings in Kalmar Township for lands outside the Orderly Annexation.

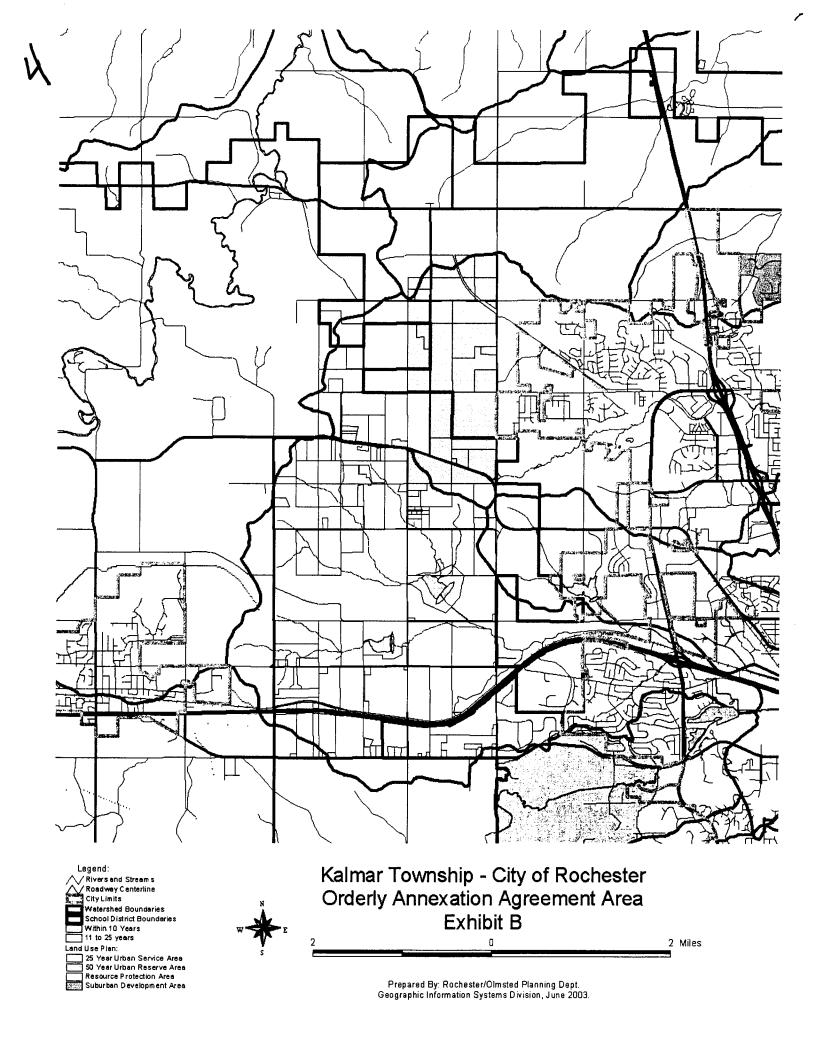
The agreement specifies that the City and Kalmar Township will meet at least every five years to review the agreement.

The City elected officials and staff that have been involved in the negotiations would strongly recommend approval of the agreement.

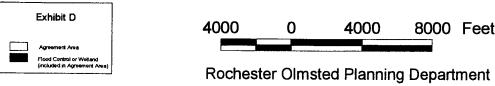
COUNCIL ACTION REQUESTED.

Approval of the Kalmar Township Orderly Annexation Agreement.

| COUNCIL ACTION: Motion by: | Second by: to: | |
|----------------------------|----------------|-------|
| | | - 144 |



Kalmar Orderly Annexation Agreement Area Exhibit D Exhibit D 4000 4000 8000 Feet







MEETING

DATE: 9/3/03 ORIGINATING DEPT: ITEM NO. **AGENDA SECTION:** LETTERS AND PETITIONS Administration ITEM DESCRIPTION: Tom Nash Requests To Be Heard RE: Airport Zoning PREPARED BY: S. Kvenvold Tom Nash has requested an opportunity to speak to the Mayor and City Council about the restrictions which have been placed on his property by Airport zoning regulations (see attached). COUNCIL ACTION: Motion by:______ to:



140 Elton Hills Lane NW Rochester, MN 55901-2492 507-288-1234 Fax 507-288-9079

Tom & Deanna Nash 5100 65th St. SW Rochester, MN 55902

Dear Tom & Deanna,

I am writing you this letter with sincere regrets! I want to let you know that I would love to renew your listing, but due to the situation at hand, I am forced to give it up. Having been a successful realtor for over 13 years in the Rochester area, I have never had a situation arise such as this. I listed your home on August 20, 2001 & had it on the market originally for \$999,999.00, which was fair market value at the time. For a 5,100 SQ FT Custom 2 story home on 118 acres of land, only 5 minutes to town, that has the most incredible views in all of Olmsted County, I believe, this price was not out of line. At the time the home was listed, it was in a different zone, unbeknown to me, it would switch into an impossible home to sell!! The airport zoning changed every possibility of ever getting fair market value for the property. Now after having the home on the market for 1 ½ years I have spent thousands of dollars & time to promote it through all of the publications I have advertised it in, also the showings and countless hours of work that I have done following up with people and sending out promotional materials to prospective buyers and postage, not to mention all the hours I have paid my assistant to do paperwork on this as well. Promoting the property, has been very successful with over one thousand four hundred hits on my web site for just that property. We had many good showings and I believe the home would have sold, had we been able to give people a straight answer on this zoning issue.

I regret to say that I can no longer try to sell your home at this price. I believe, after this change in the airport zoning regulations on your property, the value of your property has decreased dramatically. If we could reduce the price to \$250,000 - \$300,000 it may sell! However, as I have already said, I don't even know if it would sell at that price due to the fact the county has put a big black cloud over your home & property; as beautiful as it is. They want to eventually put an ugly airport runway thru your property & even possibly through your home! How can anyone expect to buy a home that may not be there in 20 years, more or less, the unknowing is the worst part. The county should compensate you for a decreased value, or better yet, since the county has robbed you of your retirement by doing this, they should buy the property at the original fair market value list price or more!

My sincere Thanks for allowing me the opportunity to have your home listed! Good luck and I would be

happy to helppin any way that I can.

Amy M/Lantz, Realtor
Coldweil Banker Burnet Realty

Coldwell Banker Burnet 507-288-1234

Prepared by:

September 6, 2001

Amy Lantz (507)-252-6777



Address: 5100 65th St SW

Rochester, MN 55902

List Price: \$999,999

Style:

1-34 Story

Listing #:

2498469

Ownership:

Single Family

Status:

Active

Total Bdrms:

MLS Area: Rochester-Southwest-3

Total Baths:

5

Million \$ view! Imagine sitting on a magical bluff top watching the wildlife and the river meandering through the beautiful oaks. This 118 acres of splendor and solitude with its custom built 5100 plus sq ft home is designed for location and view.

Comments: Million \$ view! Imagine sitting on a magical bluff top watching the wildlife & the river meandering through the beautiful oaks. This 118 acres of splendor and solitude with its custom built 5100 plus sq ft home is designed for location and view. Only minutes to town, you'll enjoy security and tranquility! Pastures and meadows adorn this fine property. Call today for your private showing.

| Residence l | Information | | |
|----------------|-------------|-----------------|--------------|
| Year Built: | 1991 | Basement Type: | Unfinished |
| Occupancy: | Owner | Walk-out: | No |
| Roof: | Shingle | AC Type: | Central |
| Exterior: | Cedar | Heat Type: | Forced Air |
| Trim Type: | Oak | Water Softener: | Rented |
| AG Sq Ft: | 3,371 | Garage Type: | Attached |
| Main Sq Ft: | 2,491 | # of Stalls: | 3 |
| BG Sq Ft: | 1,775 | Garage Sq Ft: | 840 |
| Total Sq Ft: | 5,146 | Driveway: | Crushed Rock |
| Fireplaces: | 2 | Avg Utilities: | None |
| Fireplace Fuel | : | Assc Fee: | |

Stove, Refrigerator, Washer/Dryer

Amenities

Kitchen Center Island

Whirlpool Tub

Vaulted/Cathedral Ceilings

Pantry

Open Staircase Master BR W/I Closet **Hardwood Floors Great Room Paneled Doors**

Mud Room Formal Dining Room Eat-in Kitchen

Deck

Ceramic Tile Central Vac Master Bathroom

Rooms

Included:

Not Included:

Second Floor

Second Floor

Main Floor

Main Floor

Floor Room **Main Floor** 1/2 Bath **Main Floor** 3/4 Bath Second Floor **Bedroom Second Floor** Bedroom Second Floor **Bedroom** Main Floor Den/Office Main Floor Dining **Main Floor Family Room**

Antique Chandelier

Full Bath

Full Bath Full Bath

Master Bedroom

With whirlpool

Description

Main Floor Kitchen Main Floor Laundry **Main Floor** Living

Dinette light fixture, 2 bedroom fixtures, Brass Fireplace, Fence, Andirons

<u>Size</u>

Eat-in with fireplace & center island

Walk-in closet

Property Features

Workshop

Water View

Garden

Panoramic View



Property Information

Est Acres: Lot Size:

118.00

Frontage Ft: Depth Ft:

Elem School:

Region:

S-T-R:

Owner:

Agent Owned:

List Agent:

List Office:

Agent Phone:

Office Phone:

JH/Mdl School:

Sr High School:

118Acres

Stewartville Stewartville

Stewartville

High Forest

Possession: Neg Terms:

Listing Information

Owner Phone: 507-254-8844

Abstract Loc:

Assessed Value:

Tom/Deanna Nash

Amy Lantz

(507)-252-6777

507-288-1234

Coldwell Banker Burnet

Legal Description: S 1/2, SE 1/4, & NE 1/4, SE 1/4, Sec 6-105-14

Buyer Agent:

BA Comm: Dual/Var Rate: No

Key Loc: **KeyOffc**

Yes

Gross Taxes: 6298

Assessments: None

HS

2001

Private Well

540644034045

Septic

Propane

Tax Class:

Water Type:

Sewer Type:

Fuel Type:

Flood:

Zoning:

Plat:

Parcel:

Latitude:

Longitude:

Tax Yr:

Sale Date: Sale Price:

Selling Office: Selling Agent: Selling Financing: Sale Concession:

Instructions/Directions: Call lister for directions and appointment

Financing:

History Information

Effective Date 08/20/01

Old Price

New Price \$999,999

Old Status

New Status ACTV

Sub-Agent:

SA Comm:

Dual/Var Rate: No

No

Old Contingency

Non-Agent:

NA Comm: Dual/Var Rate:

Exclusive:

DOM:

Bonus:

Min Comm:

Lease Fee:

Contingency:

Closing Co/Fee:

Yes

No

Yes

None

17

New Contingency None

Pictures



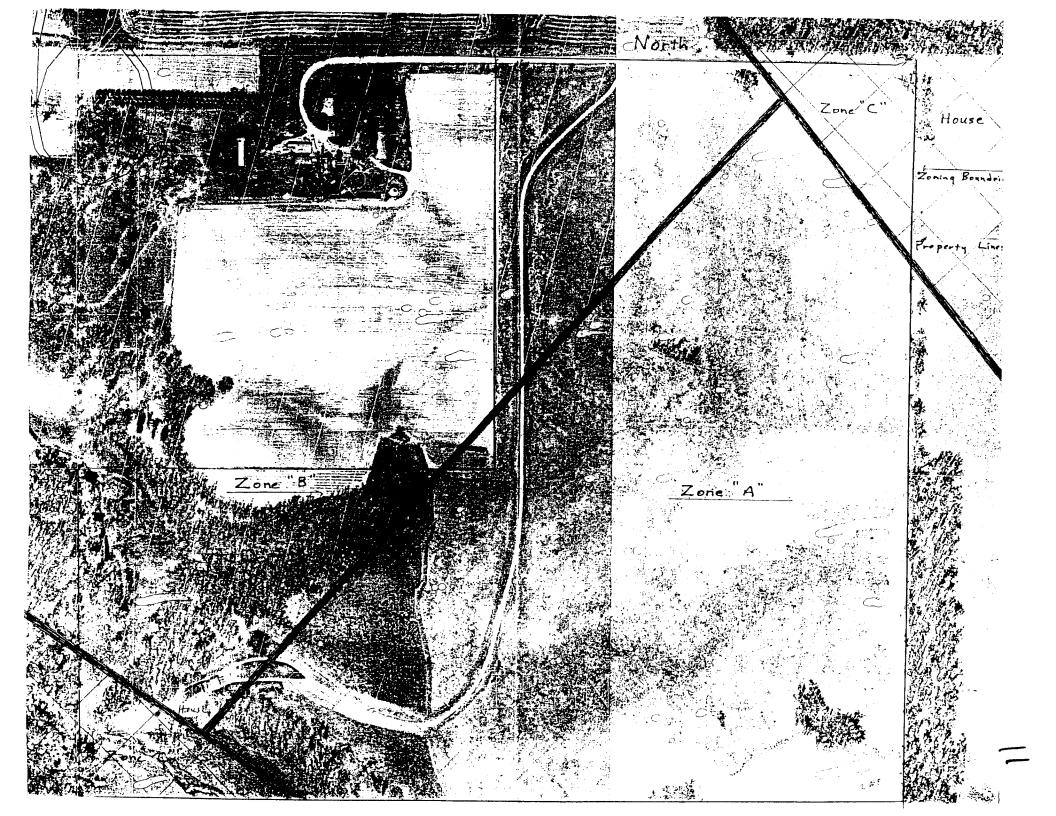


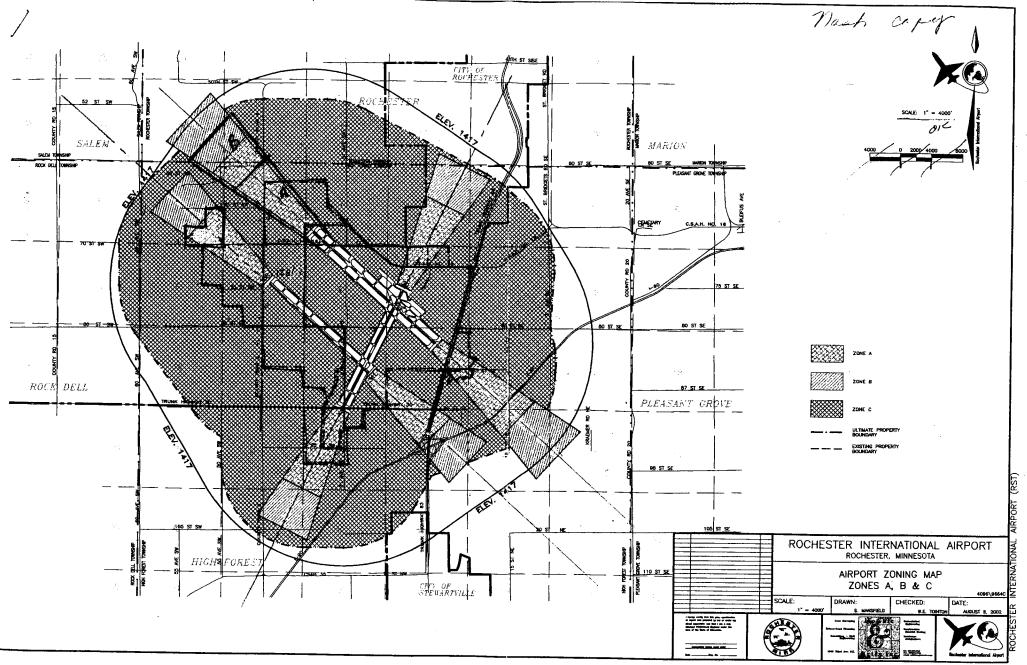




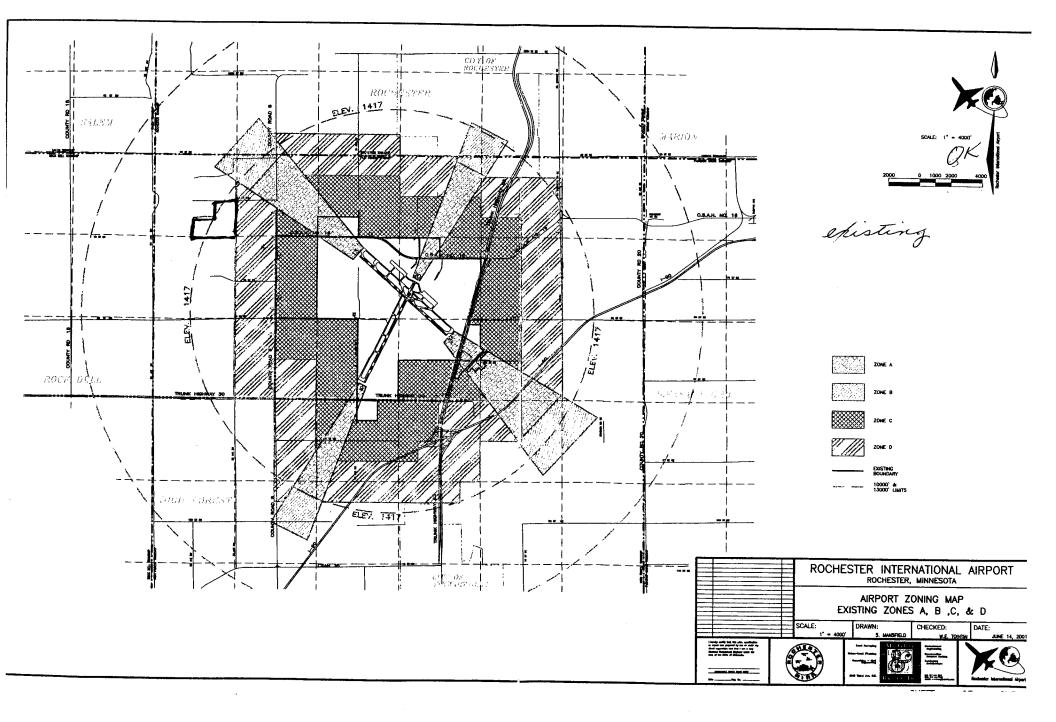








SHEFT 1 OF 2 SHEFTS





MEETING

DATE: <u>9/3/03</u>

| AGENDA SECTION: | ORIGINATING DEPT: | ITEM NO. | | | |
|---|---|--|--|--|--|
| Letters and Petitions | ADMINISTRATION | ('-3 | | | |
| ITEM DESCRIPTION: Representatives of Local 21 Reques | st to Be Heard | PREPARED BY: | | | |
| RE: Union Vote at Radisson Hotel | | S. KVENVOLD | | | |
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| Representatives of Local 21 have requested an op- their union organizing activities at the Radisson Hotel | | y Council to discuss | | | |
| Apparently there will be a vote on whether some of Local 21 is not satisfied with the conditions of the matter). | of the Radisson employees shoul election (according to my limite | d join Local 21 and d knowledge of this | | | |
| I believe that Local 21 representatives will request support for their position. | that the Mayor and City Council a | adopt a resolution of | | | |
| I did indicate to the Local 21 representative that the this matter since the Mayor/Council would not normal or union organizing activities. | | | | | |
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| COUNCIL ACTION: Motion by: Secc | ond by: to: | | | | |
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August 8, 2003

Mr. Stevan Kvenvold City of Rochester 201 4th Street SE Rochester, MN 55904

Dear Mr Kvenvold:

This week, I met with Jamie Gulley, Staff Organizer for the Hotel, Hospital, Restaurant and Tavern Employees Union, Local 21, along with five members of Ward 6 who work as housekeepers and laundry employees of the Radisson Hotel in downtown Rochester. Four of the five workers were Somali and Sudanese. Even though all spoke English proficiently enough to share their concerns, in attendance was also an interpreter, Abdullah Hared, Executive Director of the Somali Community Resettlement Services.

The primary concern expressed was that over 70% (15/22) of the housekeepers and laundry workers signed a petition requesting representation by Local 21, which was denied by the General Manager, Mr. Scott Maver. According to the workers, their appeal for fairness has not been heard.

- They are required to clean 19 rooms in six hours. The Union requirement is to clean 16 rooms in 8 hours.
- Benefits are not provided, as the scheduled work time is less than 32 hours.
- Breaks, including lunch, are limited to less than originally authorized.
- Hours worked are not recorded accurately
- Supervisors are verbally disrespectful. They believe this is partially due to the fact that they speak English as a second language, although all workers speak English in the workplace.
- Management has threatened them with loss of employment if they spoke with the Union.

As I understand it, this issue will come forward to the Council for consideration on August 18. As I will be on vacation, I felt it necessary to document my support for the employees' right to join a Union and bargain collectively. I believe that Welsh Companies, the court-appointed receiver for the Radisson, will also support the employees right to Unionize without interference from the management team.

Sandra Means City Council Member, Ward 6

Copy to: Mayor Ardell Brede

City Council

Dave Blanchard and Jamie Gulley, Local 21

MEETING

DATE: 9/3/03

| AGENDA SECTION: CONSENT AGENDA | ORIGINATING DEPT: CITY ADMINISTRATOR | ITEM NO. D-1-14 |
|--|---|----------------------------|
| ITEM DESCRIPTION: APPROVAL OF CONSENT AGEN | DA ITEMS | PREPARED BY: G. NEUMANN |

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to whether there are any of these items which you wish to have removed from the consent agenda approval and to have discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- Approval of Minutes 1)
- Agreement with the USAF 934th Airlift Group for Training at the Rochester 2) International Airport
- Licenses, Bonds & Miscellaneous Activities 3)
- 4) Approval of Accounts Payable
- Wetland Delineation and Replacement Plan West 80 Development 5)
- Wetland Delineation and Replacement Plan Stonebridge Subdivision 6)
- 2003 Citizen Corps and Community Emergency Response Team (CERT) Grant 7) Program
- Donation to Police Department Honor Guard 8)
- 9) Acceptance of Donation from Pizza Plus
- Donation to Police Department Honor Guard 10)
- Development Agreement Manor Wood Lakes 7 11)
- Development Agreement Krahns Harbor Estates 12)
- Change Order No. 1, Traffic Signal 55th Street NW at TH 52 W Frontage 13) Rd/Clearwater Rd NW, J6389
- Owner Contract Basic Construction to Serve Wood Lake Park Phase Four (Lots 14) 3 & 4, Block 2, Wood Lake Park Second Subdivision) - J5099

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

| COUNCIL ACTION: Motion by: | Second by: | to: |
|----------------------------|------------|-----|
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REQUEST FOR COUNCIL ACTION MEETING

| | | DATE: <u>9/3/03</u> |
|---|---|---------------------------------|
| AGENDA SECTION: Consent | ORIGINATING DEPT: Rochester International Airport | ITEM NO. |
| ITEM DESCRIPTION: Agreement with the USAF 934 th A Rochester International Airport | irlift Group for Training at the | PREPARED BY: Steven W. Leqve |
| The Rochester Airport Commission recommends and rec | quests Council authorization to: | |
| Enter into a new five year agreement with the USAF 934 Airport. This agreement represents a 3% increase in fees | th Airlift Group for training at the Roce for each of the five years of the agree | chester International ement. |
| COUNCIL ACTION REQUESTED: | | |
| Resolution authorizing the Mayor and the City Clerk to e | xecute the Agreement. | |
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| COUNCIL ACTION: Motion by: Second by | y: to: | |
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21

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 9/3/03

| | | DATE: 7/3/03 |
|---|---------------------------------|--------------------------------|
| AGENDA SECTION: CONSENT AGENDA | ORIGINATING DEPT: CITY CLERK | D-3 |
| ITEM DESCRIPTION: LICENSES, BONDS & MISCELI | ANEOUS ACTIVITIES | PREPARED BY: DONNA J SCHOTT |

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

DANCE – TEMPORARY

Brothers Bar & Grill

812 south Broadway

Rochester, Mn. 55904

Dance for Fun Night 9/13/03 & 9/20/03 7:00 PM to 11:00 PM

Rochester Area Family YMCA

709 1st Ave SW

Rochester, Mn. 55902

Middle School Dance 9/12/03 7:00 PM to 9:00 PM

North Parking Lot of YMCA

GAMBLING - PREMISE RENEWAL

AFL-CIO Labor Club

11 - 4th St SE

Rochester, Mn. 55904

GAMBLING - TEMPORARY

Rochester Men's Ducks Unlimited

PO Box 475

Rochester, Mn. 55903

Raffle 9/11/03 AT

Kahler Hotel

20 2nd Ave SW

Church of the Resurrection

1600 11th Ave SE

Rochester, Mn. 55904

Raffle 11/15/03

| COUNCIL ACTION: Motion by: | _ Second by: | _ to: |
|----------------------------|--------------|-------|
| | | |

LICENSES, BONDS AND MISCELLANEOUS ACTIVITIES PAGE 2 SEPTEMBER 3, 2003

HEATING CONTRACTOR

Fore Mechanical 3520 88th Avenue NE Blaine, Mn. 55014

TEMPORARY LIQUOR

Rochester Area Family YMCA 709 1st Ave SW Rochester, Mn. 55902 Wine Tasting 11/20/03 AT Gilded Star Art Gallery 324 South Broadway Rochester, Mn. 55904

MASTER INSTALLER

Kevin Grell 25230 Eureka Ave Wyoming, Mn. 55092

SOUND AMPLIFICATION

Brothers Bar & Grill 812 south Broadway Rochester, Mn. 55904

Dance for Fun Night 9/13/03 & 9/20/03 7:00 PM to 11:00 PM

Alzheimer's Association 1001 14th St NW Suite 800 Rochester, Mn. 55901 Annual Walk-A-Thon 9/27/03 9:30 AM to 12:30 PM Silver Lake West Pavilion

First Baptist Church 415 16th St SW Rochester, Mn. 55902

Outdoor Church Service 9/7/03 7:30 AM to 1:00 PM

Salem RD SW

Rochester Area Family YMCA

709 1st Ave SW

Rochester, Mn. 55902

Middle School Dance 9/12/03 7:00 PM to 9:00 PM

North Parking Lot of YMCA

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LICENSES, BONDS AND MISCELLANEOUS ACTIVITIES PAGE 3 SEPTEMBER 3, 2003

Ron Chav 1101 9th Ave NW Rochester, Mn. 55901 Father's Birthday Party 9/6/03 4:00 PM to 11:00 PM

MISCELLANEOUS ACTIVITIES

Alzheimer's Association 1001 14th St NW Suite 800 Rochester, Mn. 55901 Annual Walk-A-Thon 9/27/03 9:30 AM to 12:30 PM Silver Lake West Pavilion

Amy Kunkel 827 24th St SE Rochester, MN. 55904 Neighborhood Block Party 9/1/03 2:00 PM to 8:00 PM (Prior Approvals: J McConnell, B Nowicki, D Hansen, J Hunziker)

COUNCIL ACTION REQUESTED

A motion to approve or disapprove of the above licenses, bonds and miscellaneous activities.



MEETING

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| AGENDA SECTION: CONSENT AGENDA | ORIGINATING DEPT: CITY CLERK | ITEM NO. D - 3 |
| ITEM DESCRIPTION: LICENSES, BONDS & M | IISCELLANEOUS ACTIVITIES | PREPARED BY: DONNA J SCHOTT |

The following **ADDENDUM** licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

GAMBLING – ANNUAL PREMISE RENEWAL

Voiture 327 40/8 315 1st Ave NW Rochester, Mn. 55901

GAMBLING - TEMPORARY

Church of the Resurrection 1600 11th Ave SE Rochester, Mn. 55904 Raffle 11/6/03 AT Outback Steakhouse 1201 S Bdwy

SOUND AMPLIFICATION

Ron Chav 1101 9th Ave NW Rochester, Mn. 55901 Birthday Party 9/6/03 4:00 PM to 11:00 PM

John Marshall High School 1510 14th St NW Rochester, Mn. 55901

Homecoming Parade 10/13/03 4:00 PM to 5:00 PM

MISCELLANEOUS

John Marshall High School 1510 14th St NW Rochester, Mn. 55901 Homecoming Parade 10/13/03 4:00 PM to 5:00 PM

| COUNCIL ACTION: Motion by: | Second by: | _ to: |
|----------------------------|------------|-------|
| | | |

LICENSES, BONDS AND MISCELLANEOUS (ADDENDUM) PAGE 2 SEPTEMBER 3, 2003

Camp Companion Compassion Coalition 518 6th Ave SW Rochester, Mn. 55902 5K Road Race 10/4/03 9:00 AM to 11:00 AM Silver Lake

COUNCIL ACTION REQUESTED

A motion to approve the above ADDENDUM licenses, bonds and miscellaneous activities.

MEETING

25

| | | | | DATE: <u>9/3/03</u> |
|--|-----------------------------------|---|----------|-----------------------------|
| AGENDA SECTION: Consent Agenda | | ORIGINATING DEPT: Finance Departme | | ITEM NO. |
| ITEM DESCRIPTION: Approval of Accounts Payal | ole | 400000000000000000000000000000000000000 | | PREPARED BY: Dale Martinson |
| Respectfully request a motion | on to approve the f | ollowing cash disbur | sements: | |
| Investment purchases of Accounts payable of | \$10,629,033.34 \$4,206,032.82 | | | |
| Total disbursements | \$14,835,066.16 | | | |
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| (Detailed listing of disbursen | nents submitted se | parately.) | | |
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| COUNCIL ACTION: Motion by: | Second | l by: | to: | |
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MEETING DATE: 9/3/03

| AGENDA SECTION: | ORIGINATING DEPT: | ITEM NO. |
|--|-------------------|----------------------|
| CONSENT AGENDA | PLANNING | D-5 |
| ITEM DESCRIPTION: Wetland Delineation and Replac | PREPARED BY: | |
| - | | John Harford, Senior |
| | | Planner |

August 22, 2003

Wetland Delineation and Replacement Plan:

The applicant has proposed the filling of 0.56 acres of Type 2 wetland on property located on property owned by Roger Carlson. The property is located north of 48th St., SW, and west of US 63, S. The wetland is a sidehill seep wetland. The wetland will be filled and drained for the construction of commercial development, related stormwater pond, and public road.

The Technical Evaluation Panel reviewed the alternatives and found that they meet the minimum standards for sequencing. The TEP agrees that avoidance of the wetlands is not feasible due to the configuration and location of the wetland, road design, required grading outside of the wetland and required access and the related US 63/48th St., SW interchange. The applicant proposes replacement through a wetland bank located in Mower County in the Root River watershed which requires a replacement ratio of 2.25/1. The TEP recommended approval of the wetland replacement plan.

<u>Planning Staff Recommendation</u>:. The staff recommends approval of this replacement plan with one condition:

1. that the applicant submit a signed wetland bank withdrawal application to the City of Rochester and the Board of Water and Soils Resources prior to or at the same time as the grading plan is approved by the city.

City Council Action:

1. If the council agrees it should pass a resolution approving the replacement plan.

Attachments:

1. Report from the applicant.

Distribution:

- 1. City Clerk
- 2. City Attorney
- 3. City Administrator's Office
- 4. Planning Department File
- 5. Applicant

| COUNCIL ACTION: Motion by: | Second by: to: | |
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DATE: 9/3/01

| AGENDA SECTION: | ORIGINATING DEPT: | ITEM NO. |
|---|---------------------------------------|---------------------|
| CONSENT AGENDA | PLANNING | D-6 |
| ITEM DESCRIPTION: Wetland Delineation and Replacement | cement Plan – Stonebridge Subdivision | PREPARED BY: |
| | | John Harford, Semor |
| | | Planner 1 |
| August 22, 2003 | · | THE |

Wetland Delineation and Replacement Plan:

The applicant has proposed the filling of 0.23 acres of Type 3 wetland on property located on property owned by Ted Holstein. The property is located south of CR 9, Collegeview Road, and west of CR 109 and Sunnydale Subdivision, SE. The wetland is a drainageway that conducts surface water and stormwater runoff from the surrounding woodland and subdivision. The wetland will be filled for the construction of residential lots.

The Technical Evaluation Panel reviewed the alternatives and found that they meet the minimum standards for sequencing. The TEP agrees that avoidance of the wetlands is not feasible due to the configuration and location of the wetland, existing road access locations to the subdivision. The applicant proposes replacement with wetland creation of 24,000 s.f. of New Wetland Credits and 9,000 Public Value Credits. The TEP recommended approval of the wetland replacement plan.

<u>Planning Staff Recommendation</u>:. The staff recommends approval of this replacement plan with three conditions:

- 1. that the applicant must submit a Declaration of Restrictions and Covenants for the created wetlands and the public value credit wetlands.
- 2. that the applicant submit an annual monitoring report to the Planning Department for a period of up to five years as required by the wetland rules.
- 3. that the developer place wetland boundary signs along the north side of the existing wetland that is also the south property boundary of the lots along the south side of Bridgeview Dr.

City Council Action:

1. If the council agrees it should pass a resolution approving the replacement plan.

Attachments:

1. Report from the applicant.

Distribution:

- 1. City Clerk
- 2. City Attorney
- 3. City Administrator's Office
- 4. Planning Department File
- 5. Applicant

| COUNCIL ACTION: Motion by: | Second by: | to: | |
|----------------------------|------------|-----|--|
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MEETING
DATE: 9/3/2003

| AGENDA SECTION: Consent Agenda | ORIGINATING DEPT: Police | D-7 |
|---|-------------------------------|--------------------------------|
| ITEM DESCRIPTION: 2003 Citizen Corps and Community E Grant Program | mergency response Team (CERT) | PREPARED BY: Roger Peterson |

Local units of government in Minnesota have a unique opportunity to obtain grants to assist them with the establishment of "Citizen Corps" units, consisting of trained volunteers that are capable of assisting local law enforcement, emergency management, and medical officials with emergency and non-emergency public health and safety projects. One of the programs in the Citizen Corps is the Community Emergency Response Team program (CERT). The CERT program educates citizens about hazards they face in their community and provides training in basic lifesaving skills. The citizen-responders, if needed during a disaster, use their training as part of a neighborhood or workplace team to assist when professional responders are overwhelmed or not immediately available.

FEMA has allocated money to Minnesota to begin building and enhancing Citizen Corps groups across the state. The Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management (HSEM) is the designated administrator for these programs. The Rochester Police Department Crime Prevention Unit would like to enhance the existing CERT program in the community by providing CERT members with additional CERT equipment.

The Citizen Corps/CERT grant program is 100% federally funded, with <u>no match</u> required from state or local agencies. Grants are expected to be in the range of\$3,000 - \$10,000.

COUNCIL ACTION REQUESTED:

The Police Department requests approval to apply and accept a 2003 Citizen Corps and Community Emergency Response Team (CERT) Grant and enter into an agreement with the Minnesota Department of Public Safety for the grant project. Further it is requested that the Mayor and City Clerk be authorized to execute such agreements and amendments as may be necessary to implement the project on behalf of the City of Rochester, Rochester Police Department.

| COUNCIL ACTION: Motion by: Second | nd by: to: |
|-----------------------------------|------------|
| | |



MEETING **REQUEST FOR COUNCIL ACTION** DATE: 9/3/03 ORIGINATING DEPT: ITEM NO. AGENDA SECTION: Police Consent Agenda PREPARED BY: ITEM DESCRIPTION: Donation to Police Department Honor Guard M. Goodsell Dan and Elizabeth Pulford have made a \$100 donation to the Rochester Police Honor Guard. They wish to have these funds be used for purchase of needed uniforms/equipment. **COUNCIL ACTION REQUESTED:** Approval to accept \$100 donation from Dan and Elizabeth Pulford for Police Honor Guard uniforms/equipment. COUNCIL ACTION: Motion by:______ Second by:______ to:



| REQUEST FOR | R COUNCIL ACTION | MEETING 35 |
|--|-----------------------------------|------------------------------|
| MEQUEUT 101 | t occitoit / to Hort | DATE: 9-3-2003 |
| AGENDA SECTION: | ORIGINATING DEPT: | ITEM NO. |
| Consent Agenda | Police | D-9 |
| ITEM DESCRIPTION: | | PREPARED BY: |
| Acceptance of Donation from Pizza Plus | | Steve Johnston |
| Gourmet Pizza of Rochester, Inc. (DBA Pizza will be used for Honor Guard uniforms and ed | | Police Department. The funds |
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| COUNCIL ACTION REQUESTED: | | |
| . The Police Department requests authorization Honor Guard. (42130-83220-18272). | to accept the donation and alloca | te it to the support of the |
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| COUNCIL ACTION: Motion by: | Second by: to: | |
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MEETING

| | | DATE: <u>9/3/03</u> |
|---|---------------------------|--------------------------|
| AGENDA SECTION: Consent Agenda | ORIGINATING DEPT: Police | D - (0 |
| ITEM DESCRIPTION: Donation to Police Department Ho | nor Guard | PREPARED BY: M. Goodsell |
| A rodeo fundraiser event, co-sponsored by Jim Ri donation to the Rochester Police Honor Guard for uniforms/equipment. | | |
| COUNCIL ACTION REQUESTED: Approval to accept \$50 donation for Police Honor | Guard equipment/supplies. | |
| | | |
| COUNCIL ACTION: Motion by: Second | and by: to: | |
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MEETING

DATE:

34

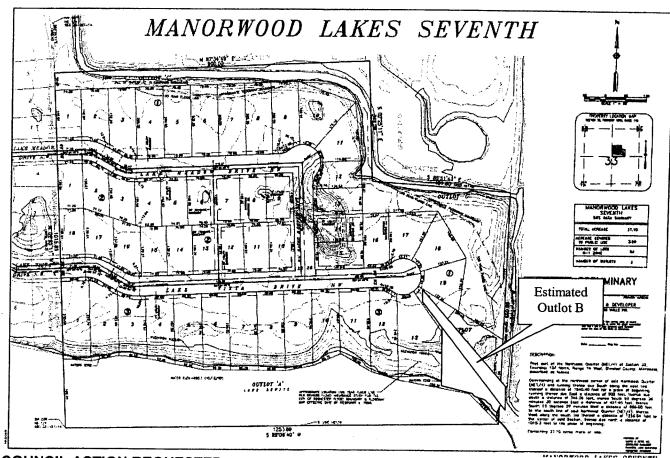
09/03/03

| AGENDA SECTION: CONSENT AGENDA | ORIGINATING DEPT: Public Works | ITEM NO. |
|--|--------------------------------|-----------------------------|
| ITEM DESCRIPTION: Development Agreement – Mand | or Wood Lakes 7 | PREPARED BY: الرم M. Nigbur |

The Owners of the Manor Wood Lakes 7th Development and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Management
- Outlot Maintenance.
- Use of the dedicated areas during construction
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, parkland dedication.

Staff recommends the Council approve the Development Agreement. The developers have executed the Development Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Manor Wood Lakes 7th Development Agreement with Western Walls inc.

| COUNCIL ACTION: Motion by: | Second by: | to: |
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MEETING

09/03/03

DATE:

AGENDA SECTION:

CONSENT AGENDA

CONSENT AGENDA

ORIGINATING DEPT:
Public Works

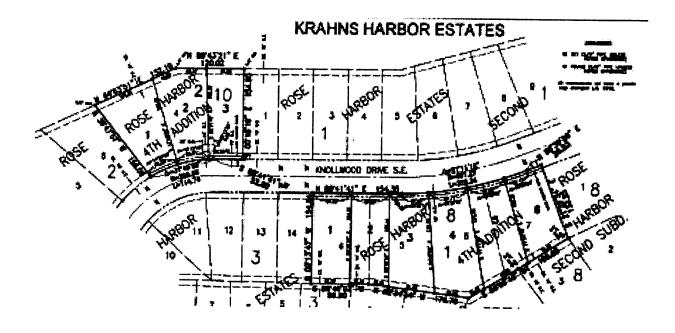
Development Agreement – Krahns Harbor Estates

PREPARED BY:
M. Nigbur

The Owners of the Krahns Harbor Estates Development and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Dedication of right of way
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, connection charges for sewer/water/roadway/stormsewer, parkland dedication.

Staff recommends the Council approve the Development Agreement. The developers have executed the Development Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Krahns Harbor Estates Development Agreement.

| COUNCIL ACTION: Motion by: | Second by: | _ to: |
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MEETING DATE:

9-3-03

AGENDA SECTION:

CONSENT AGENDA

CONSENT AGENDA

Change Order No. 1, Traffic Signal 55th Street NW at TH 52 W
Frontage Rd / Clearwater Rd NW, J6389

Change Order No. 1, Traffic Signal 55th Street NW at TH 52 W
Frontage Rd / Clearwater Rd NW, J6389

ITEM NO.

PREPARED BY:

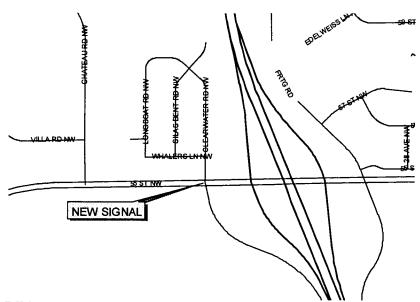
D. Kramer

This traffic signal is currently under construction as of the writing of this RCA, and is expected to be operational before the council meeting.

Three changes with a total cost of \$12,816.00 have been necessary because of unforeseen conditions:

- When drilling for the traffic signal pole foundations, solid bedrock was encountered at two of the four pole locations. Rock drilling and disposal of the rock was required to construct the foundations to the required depth. \$8,910.00
- An existing conduit across the west side of the intersection was planned to be used for traffic signal wiring. The conduit was partially crushed, requiring repair of a segment of the conduit. The repairs included pavement removal and replacement, and the addition of a handhole. \$3,618.00
- Closing of traffic lanes to accomplish planned pavement modifications was severely disrupting the local traffic. "High-early" concrete was used instead of standard mix to re-open the lanes to traffic earlier. \$288.00

Original Contract \$135,575.00
Total Change Order No. 1 \$12,816.00
Total Contract including Change Order No. 1 \$148,391.00



COUNCIL ACTION REQUESTED:

Approval of Change Order No. 1 to Nietz Electric's contract for "Traffic Signal System, 55th Street NW (CSAH 22) at TH 52 W Frontage Rd/Clearwater Rd NW, J6389", increasing the contract amount by \$12,816.00.

| COUNCIL ACTION: Motion by: | Second by: | to: |
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MEETING

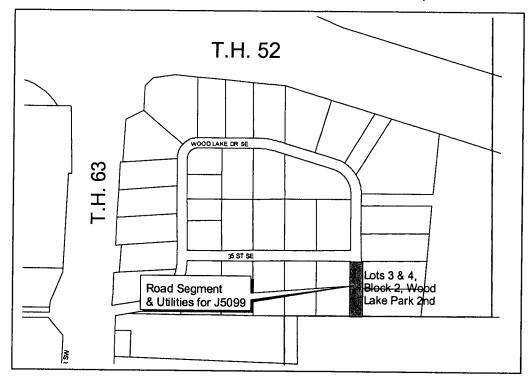
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| AGENDA SECTION: CONSENT | AGENDA | ORIGINATING DEPT: Public Works | ITEM NO. |
|----------------------------|--|--------------------------------|------------------------|
| ITEM DESCRIPTION: | Owner Contract – Basic Construct Phase Four (Lots 3 & 4, Block 2, Subdivision) - J5099 | | PREPARED BY: M. Baker |

Staff would offer the following Owner Contract project for consideration by the Council:

Wood Lake Land Enterprises of Rochester, Inc. (Owner) & Bob Braaten Construction, Inc. (Contractor) are requesting a City / Owner Contract J5099, consisting of "Basic Construction to Serve Wood Lake Park Phase Four (Lots 3 & 4, Block 2, Wood Lake Park Second Subdivision)".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5099 "Basic Construction to Serve Wood Lake Park Phase Four (Lots 3 & 4, Block 2, Wood Lake Park Second Subdivision)".

| COUNCIL ACTION: Motion by: | Second by: | to: |
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| NEWUE | 31 FOR COUNCIL ACTION | MEETING |
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| FNID | | DATE: <u>9/3/03</u> |
| ENDA SECTION: Consent Agenda | ORIGINATING DEPT: Police | 1TEM NO. D-15 |
| M DESCRIPTION: Use of City of Rochest | er Police Department Range Facility | PREPARED BY: Roger Peterson |
| needs for the Rochester Police Depart contacted the Rochester Police Depart certification program. Pyramid Conce willing to enter into a contractual agre facility. This contract includes a payn This contractual agreement was review | intains and administers a firearms range factor. The primary purpose for the range is to tree. Pyramid Concepts, Inc, a personal structure requesting the use of the city owned repts wishes to use the facility two days percement governing their use of the Rochesterment to the City for use of the facility in the wed by the Rochester City Attorney's Officer additional insured party for the amount of | o meet the mandated training afety training company, has range for their firearms month. Pyramid Concepts is Police Department range amount of \$1500 annually. |
| COUNCIL ACTION REQUESTED Approval of the contract between the C Police range facility located at 4004 W | Dity of Rochester and Pyramid Concepts for Yest River Parkway, Rochester, Minnesota. | the use of the Rochester |

COUNCIL ACTION: Motion by:______ to:

MEETING

| | DATE: <u>9/3/03</u> |
|---|---------------------|
| ORIGINATING DEPT: Police | D-16 |
| ITEM DESCRIPTION: Homeland Security 800 MHz Equipment Grant Program | |
| | Police |

The State of Minnesota is developing a radio system throughout Minnesota that will insure the interoperability for all Public Safety agencies. The plan calls for a phased approached to grow the 800 MHz Trunked Radio System from the Minneapolis-St. Paul metropolitan area to the various regions of greater Minnesota. The radio system is now operational in the seven county metro areas, and is scheduled for construction in Southeastern Minnesota and West Central Minnesota in the next phase.

The plan requires the state to fund the construction of the network of towers and connecting equipment for the system. The costs associated for local units of government to join onto the state radio system must, however, be provided by the individual municipalities and counties.

The Minnesota Legislature appropriated \$27 million during the 2003 session, for the construction of the tower system in the Rochester and St. Cloud districts. The total necessary to complete the State sponsored infrastructure is estimated at \$46 million, however, the multi-year project, managed by the Minnesota Department of Transportation, will be started with the partial funding.

A preliminary estimate indicated that approximately \$3.5 million would be needed for the Rochester/Olmsted radio system, which would tie into the State network. In order to mitigate those expenses, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management sought federal grant funds to help defray local costs, and received \$6 million designated for all twenty-two counties in the Phase three regions (SE MN and West Central MN). On July 23, 2003, Rochester/Olmsted County applied for \$3.5 million of the available grant funding. The Public Safety Radio System Planning Committee subsequently allocated \$2.2 million to Rochester/Olmsted County.

The grant funds do not require any matching local dollars, however, the funds can only be spent on the purchase of radio equipment and associated normal installation costs.

Local funds are needed to hire a consultant to design the local system and manage the implementation of the project. A Request for Proposal for the consultant work has been let. Proposals are expected to return in the amount of approximately \$125,000. Olmsted County will be asked to pay for one half of the expense of the consultant. Staff will make recommendations upon review of the proposals.

| COUNCIL ACTION: Motion by: | Second by: | to: | |
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| Approval to participate in the Federal Homeland Security 800 Security and state of Minnesota for the project. Approval to e Approval for the Mayor, Chief of Police, Fire Chief, or City Adapproval for the Chief of Police, Fire Chief, Mayor or City Adapproval program. | enter into a contract with a consultir dministrator to sign an agreement v | ng firm for the design and project mana with the state of Minnesota and/or U.S. | agement of the radio system. . Dept of Homeland Security. |
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| REQUEST FOR COL | JNCIL ACTION | | MEETING |
| | | | DATE : 9 <u>-3-03</u> |
| AGENDA SECTION: | ORIGINATING | DEPT: | ITEM NO. |
| PUBLIC HEARINGS – Continued Item | PL. | ANNING | E-1 |
| ITEM DESCRIPTION: Land Use Plan Amendment F and Allen Koenig to amend the Land Use Plan desi to "Industrial" on approximately 33.48 acres of land west side of TH 63, east of East River Road NE and | gnation from "Low D d. The property is loo | ensity Residential" ated along the | PREPARED BY: Brent Svenby, Planner |
| August 27, 2003 | | | |
| This item was continued at the August 4, 200, property owner, MnDOT and Public Works on been resolved with the adjacent property own next week or so. Staff will need time to revie October 6 th meeting. The applicant has waived | the access to TH (ner. The applicant w the revised GDP | 63. At this time the will be submitting so this item show | e access to TH 63 has a revised plan in the ld be continued to the |
| Distribution: 1. City Administrator 2. City Attorney 3. Planning Department File 4. Applicant: This item will be considered some time Board Chamber at the Rochester – Olmsted Govern 5. Civil Engineering Services Company | after 7:00 p.m. on W ement Center Building | e dnesday , September | 3, 2003 in the Council / |
| | | | |
| COUNCIL ACTION: Motion by: | Seconded by: | to: | |



| REQUEST FOR COUNC | MEETING UN DATE: 9-3-03 | |
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| AGENDA SECTION: PUBLIC HEARINGS – Continued Item | ORIGINATING DEPT: PLANNING | ITEM NO. |
| ITEM DESCRIPTION: Zoning District Amendment #03-09 Koenig to rezone approximately 33.48 acres from the I (Ir Commercial-Industrial) zoning district. The property is Ic 63, east of East River Road NE and north of 41 st Street NE | sterim) to the M-1 (Mixed ocated along the west side of TH | PREPARED BY: Brent Svenby, Planner |
| August 28, 2003 This item was continued at the August 4, 2003 meet property owner, MnDOT and Public Works on the abeen resolved with the adjacent property owner. next week or so. Staff will need time to review the October 6 th meeting. The applicant has waived the | nccess to TH 63. At this time the The applicant will be submitting revised GDP so this item shou | e access to TH 63 has a revised plan in the ld be continued to the |
| Distribution: 1. City Administrator 2. City Attorney 3. Planning Department File 4. Applicant: This item will be considered sometime after Council/Board Chambers at the Government Center, 151 45. Civil Engineering Services Co. | er 7:00 p.m. on Wednesday , Septer th Street SE. | nber 3, 2003 in the |

Seconded By:

Action:

COUNCIL ACTION:

Motion By:



MEETING

| | DATE: 9-3 <u>-03</u> |
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| AGENDA SECTION: ORIGINATING DEPT: | ITEM NO. |
| PUBLIC HEARINGS- Continued Item PLANNING | E-3 |
| ITEM DESCRIPTION: General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to the west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street NE. | Brent Svenby, |
| August 27, 2003 | |
| This item was continued at the August 4, 2003 meeting to allow the applicants to property owner, MnDOT and Public Works on the access to TH 63. At this time been resolved with the adjacent property owner. The applicant will be submitted next week or so. Staff will need time to review the revised GDP so this item should be considered to the first owner. The applicant has waived the 60-day rule while the applicant the second considered to the first owner. | the access to TH 63 has ing a revised plan in the ould be continued to the |
| Distribution: City Administrator City Attorney Planning Department File Applicant: This item will be considered some time after 7:00 p.m. on Wednesday, September Chambers in the Government Center at 151 4th Street SE. Civil Engineering Services Co. | 3, 2003 in the Council/Board |
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| COUNCIL ACTION: Motion by: Second by: to: | |



MEETING

53

DATE:

| AGENDA SECTION: PUBLIC HEARINGS | ORIGINATING DEPT: Public Works | E-4 |
|--|--------------------------------|----------------------------|
| ITEM DESCRIPTION: Adoption of an Ordinance to Create a Storm Water Utility | | PREPARED BY: NO B. Huberty |

In the past, Rochester's storm water management focus was on water conveyance for the protection of safety and property. Under a recently mandated, unfunded Federal requirement, the City must now manage storm water in ways that improve water quality. Rochester has built and maintains a vast storm water management system to collect and transport storm water into natural water bodies. The new permit requirements must be met in order for Rochester to legally discharge storm water to waters of the state. The Council adopted the NPDES Phase II Storm Water Permit Application in May 2003. The permit contains the Storm Water Pollution Prevention Plan that the City has committed to implement to remain in compliance with the new regulations.

The Council over the past year has directed staff to investigate funding options to pay for current storm water management activities, as well as new activities needed for NPDES Phase II Storm Water Permit compliance. The recommended proposal is to adopt an equitable Storm Water Utility as a dedicated funding source for storm water management activities, including capital improvements. Under the proposed plan, the Fee charged to all developed parcels will be equal to the size of the parcel times the Land Use Factor (associated with the parcel's percent impervious area) times the storm water unit rate, to be set by Council resolution. Average values will be used for residential properties, resulting in a flat Fee of \$3.75/month, given the proposed rate of \$15.96/acre/month. The amount of impervious area on non-residential customer parcels was determined on a parcel-by-parcel basis. Several options are available for non-residential customers to obtain Credits to offset their Fee, if they privately provide storm water management activities that benefit the City. The revenue expected from all customers, afte applications for Credit, is \$3.0 million. An additional \$0.5 million in Storm Water Management Plan Charges, to be paid by new development and redevelopment projects, will bring the total Storm Water Utility budget to \$3.5 million.

Extensive outreach has been conducted with non-residential and residential customers. Feedback from that effort was provided to the Council at the Committee of the Whole meeting on August 11.

The Ordinance does not establish the storm water unit rate used to calculate the Storm Water Utility Fees. The establishment of the storm water unit rate and the adoption of the final Credit Manual will occur at a later date via Council Resolution.

Upon its adoption and publication the Storm Water Utility Ordinance would be effective. The first Storm Water Utility Fee for all residential and non-residential customers would appear on the January 2003 RPU Billing Statement.

COUNCIL ACTION REQUESTED:

Conduct Public Hearing to receive comments on the proposed Storm Water Utility Ordinance. Have the City Attorney give the First reading of the Storm Water Utility Ordinance. The second reading of the Ordinance is currently scheduled for October 6, 2003.

| ** The | Council | should r | note that | the | Ordinance | does no | ot establish | tho I | 161146 |
|---------|----------|----------|-----------|------|------------|---------|--------------|--------|------------------|
| Rate. | The rate | will be | e establ: | shed | by Council | approx | ved Resoluti | on lat | , r т т г г х |
| this fa | all. | | | | 7 | upp20 | Ved Resoluti | | . C L |
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MEETING

DATE: 9-3-03

AGENDA SECTION:

PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM NO.
PLANNING

PREPARED BY:
Brent Svenby,
Planner

NW and along the north side of West Center Street.

August 27, 2003

NOTE: The applicant is requesting Council to waive the final plan review. Staff does recommend in favor of the request.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on August 13, 2003, to consider this Incentive Development. The applicant also requested a number of variances (setbacks, landscape area, building height and parking) which are included in the staff report. The CPZC did grant the variances requested. The proposal is to construct a new church and the renovation of the existing church building.

Mr. Hal Henderson, of HGA Architects, addressed the Commission. He stated that the applicant is in agreement with the staff-recommended conditions.

Neighboring property owners spoke in favor of the project.

The Planning Commission reviewed this request according to the applicable criteria and standards in the LDM. The Commission found that this request is consistent with those criteria, subject to the following modifications or conditions:

Mr. Staver moved to recommend approval of Type III, Phase II Incentive Development Preliminary Plan #03-44 by Holy Anargyroi Greek Orthodox Church with the staff-recommended findings and conditions as presented by Mr. Svenby. Mr. Haeussinger seconded the motion.

Ms. Rivas moved to amend the original motion to approve Type III, Phase II Incentive Development Preliminary Plan #03-44 by Holy Anargyroi Greek Orthodox Church to include a recommendation that they secure additional parking agreements for evening hours prior to proceeding to the City Council. Mr. Burke seconded the motion. The motion to amend carried 7-1, with Mr. Quinn voting nay.

The motion to approve Type III, Phase II Incentive Development Preliminary Plan #03-44 by Holy Anargyroi Greek Orthodox Church with the staff-recommended findings and conditions as presented by Mr. Svenby, including the amendment by Ms. Rivas, carried 8-0.

- 1. A separate grading plan approval is required for this project if grading involves more than 50 cubic yards of materials and a storm water management fee will be applicable to any increase in impervious surface resulting from this project.
- 2. All sidewalk and driveway access points shall be constructed to City standards.
- 3. The condition of the existing concrete sidewalk and curb along the frontages of the property will be reviewed by Public Works staff and any needed panel repair and/or replacement work of sidewalk or curbing shall be done concurrent with the building expansion project. The existing access locations that are not proposed to be utilized following the building additions shall be removed and curb, sidewalk and boulevard restored.
- 4. All unused water services must be property abandoned at the main in the street per the requirements of RPU Water Division.
- 5. The applicant will need to apply for the Type I Design Modification for the height of the cross.
- 6. The applicant agrees that no deviation to the appearance of the building, design, exterior façade or landscaping will occur from the plans approved by the City Council.

| from the plans approved by the City Council. | | |
|--|------------|-----|
| COUNCIL ACTION: Motion by: | Second by: | to: |
| | | |





August 15, 2003

WRITER'S DIRECT DIAL (507) 281-8632

Mr. Brent Svenby Rochester/Olmsted Consolidated Planning Department 2122 Campus Drive Southeast Rochester, Minnesota 55904

Re:

Holy Anargyroi Greek Orthodox Church Type III, Phase II Incentive Development HGA Commission Number 2574-001-00

Dear Brent:

On behalf of our client, we respectfully request a waiver of the Final Review in the Incentive Development process and variances requested. We believe the level of detail contained in the submittal materials is adequate for approval of the project and would request that your report to the City Council include this waiver request. We would appreciate your support in recommending approval based on this submittal.

Your assistance throughout this process has been very helpful and much appreciated. Please call me with any questions regarding this request.

Sincerely,

HAMMEL, GREEN AND ABRAHAMSON, INC.

Mark Jasmin\AIA Associate Vice President

Hammel, Green and Abrahamson, Inc.

cc: Fr. Nick Kasemeotes, Holy Anargyroi Greek Church Dr. Nick Maragos, Holy Anargyroi Greek Church Fred Wolters, CJK Design Hal Henderson, HGA

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CETEBRATION SO YEARS OF COLLABORATIVE 202 1st Avenue SW Suite 200 · Rochester, Minnesota USA 55902-3129

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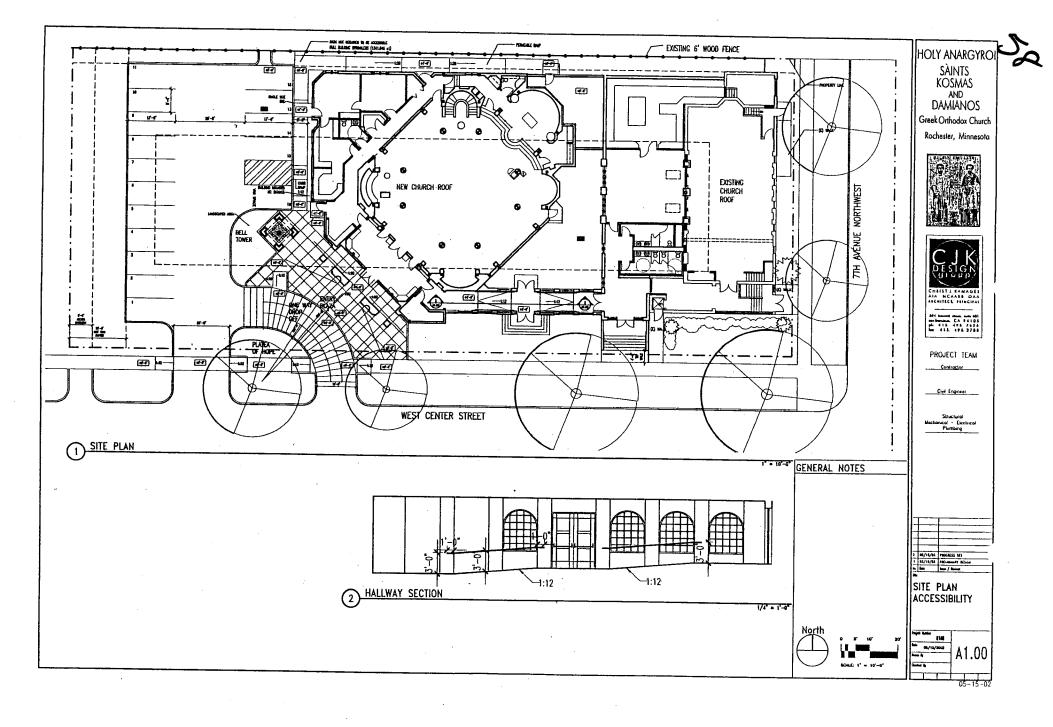
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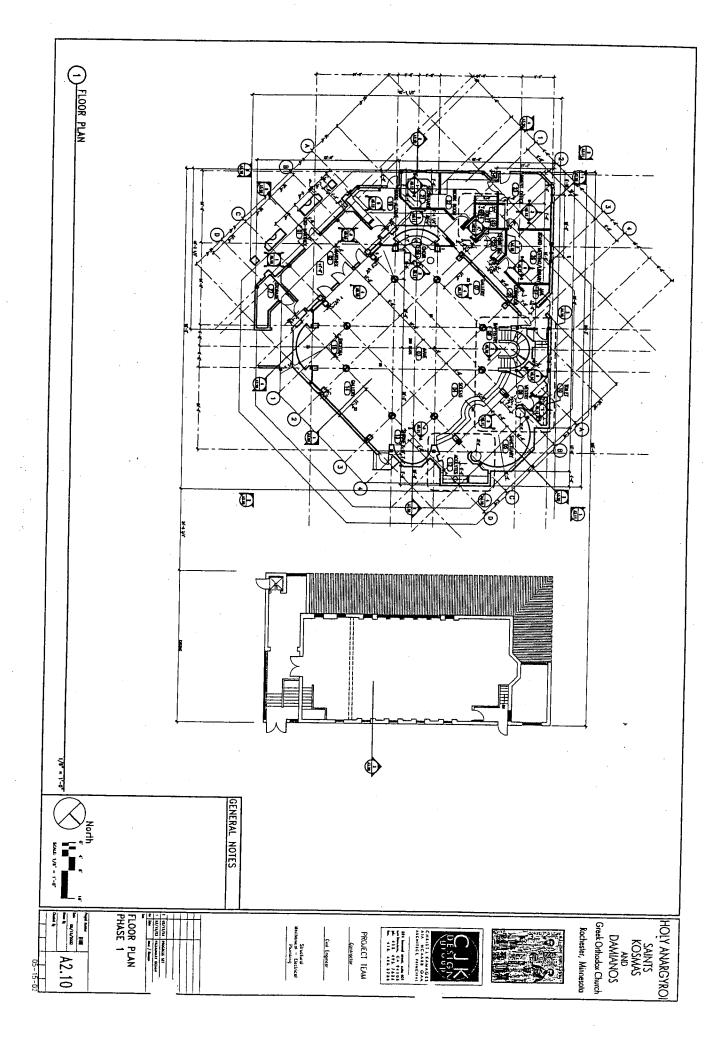
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CONSTRUCTION DOCUMENTS

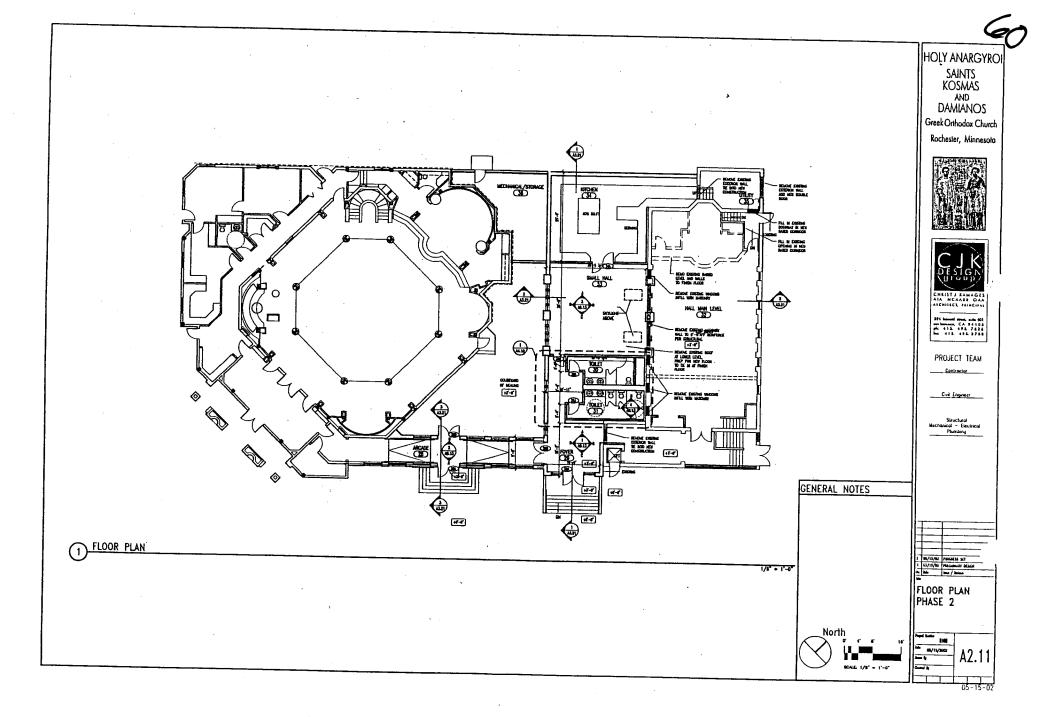
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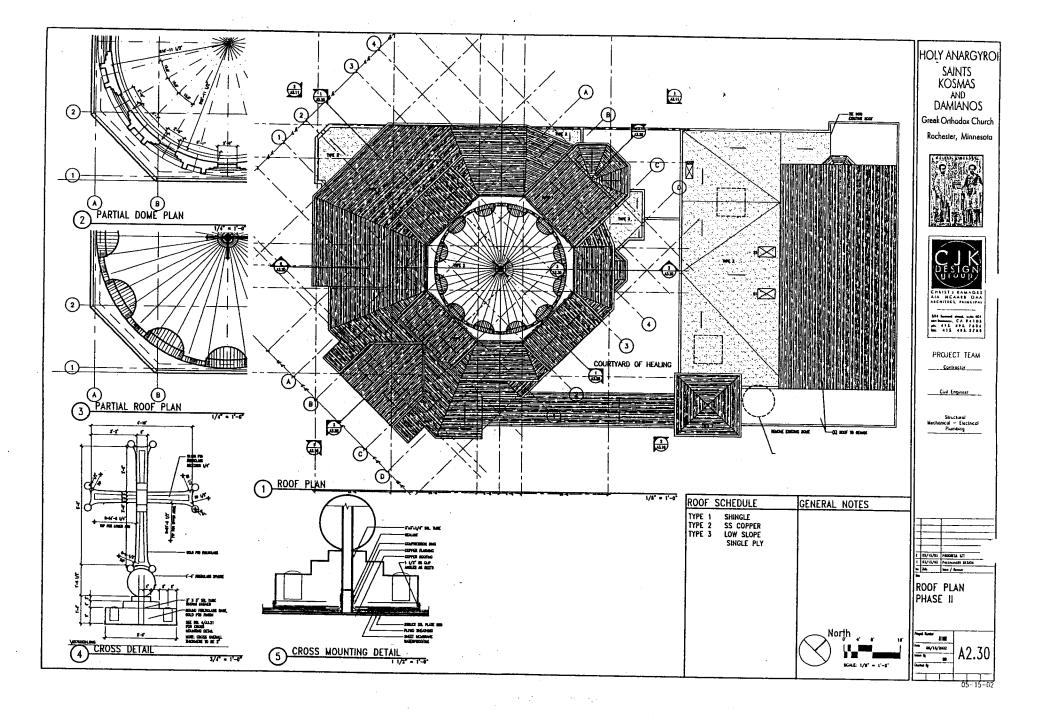
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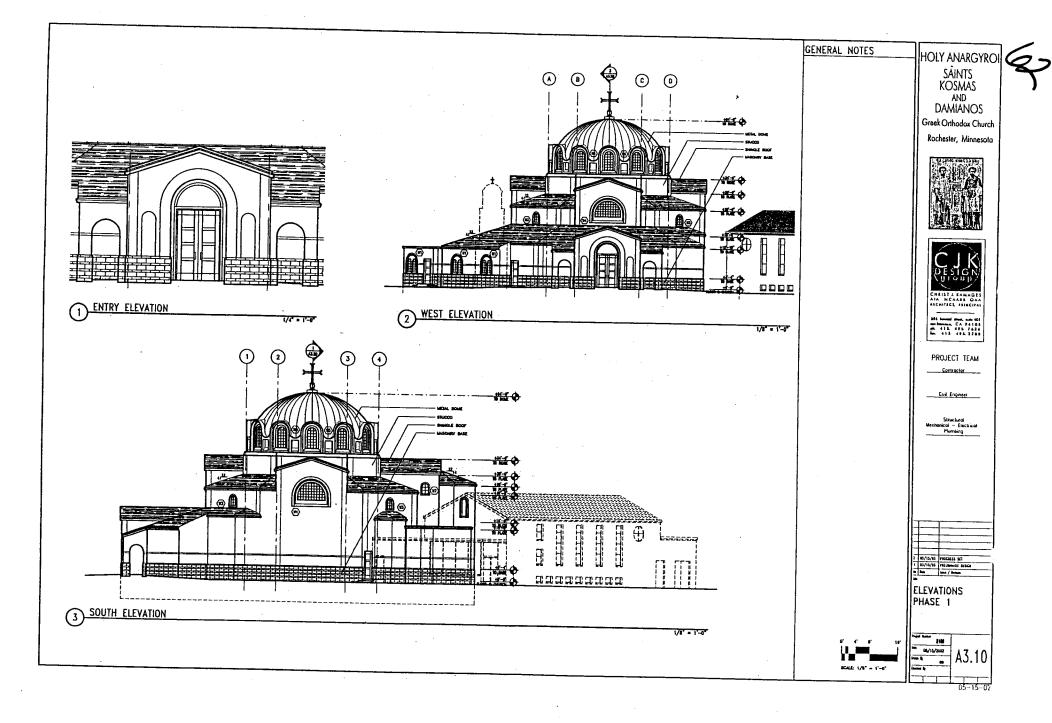
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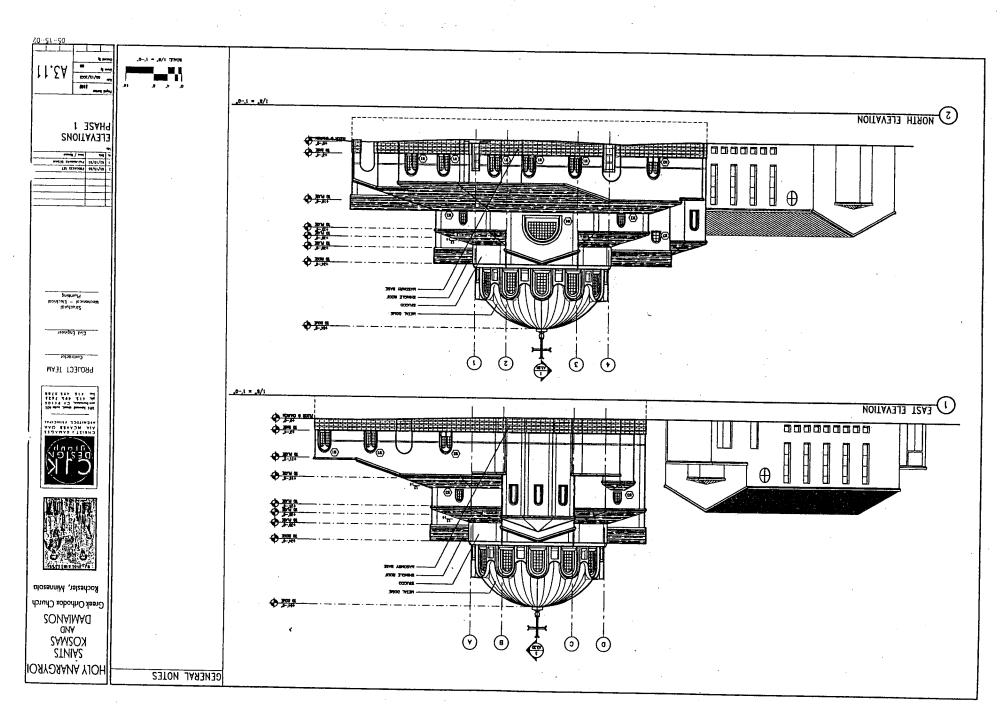


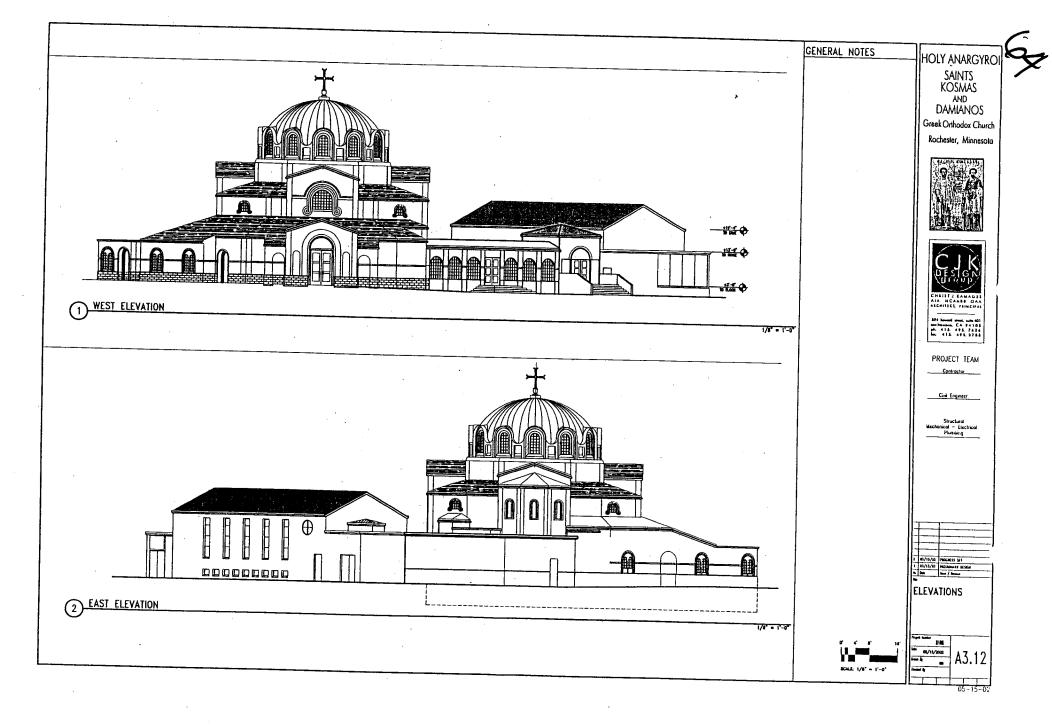




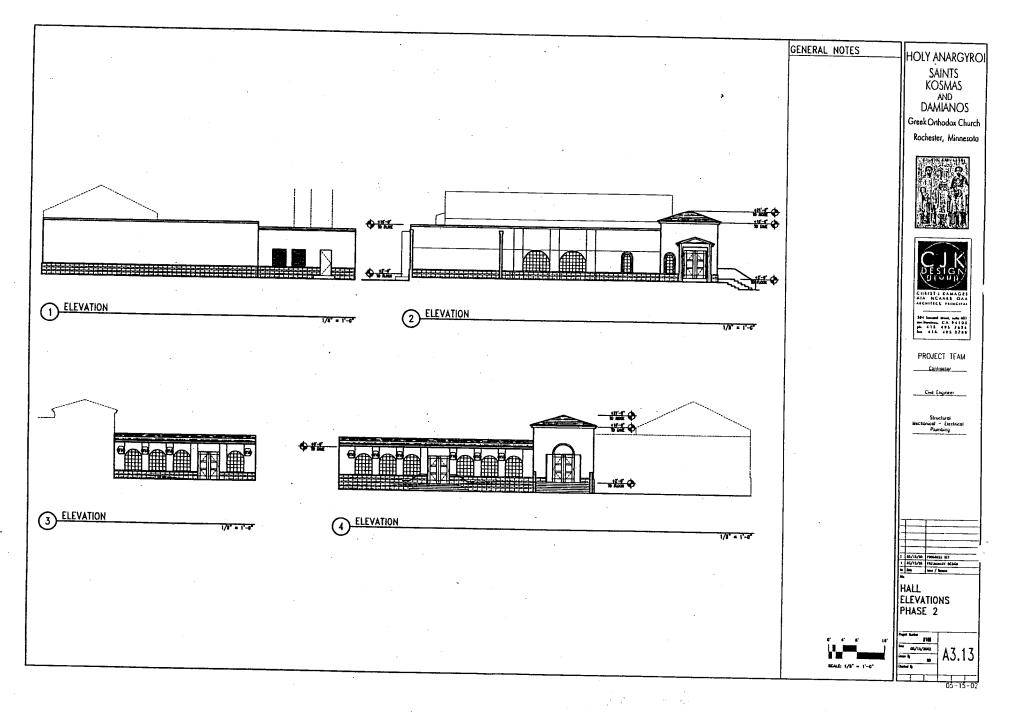




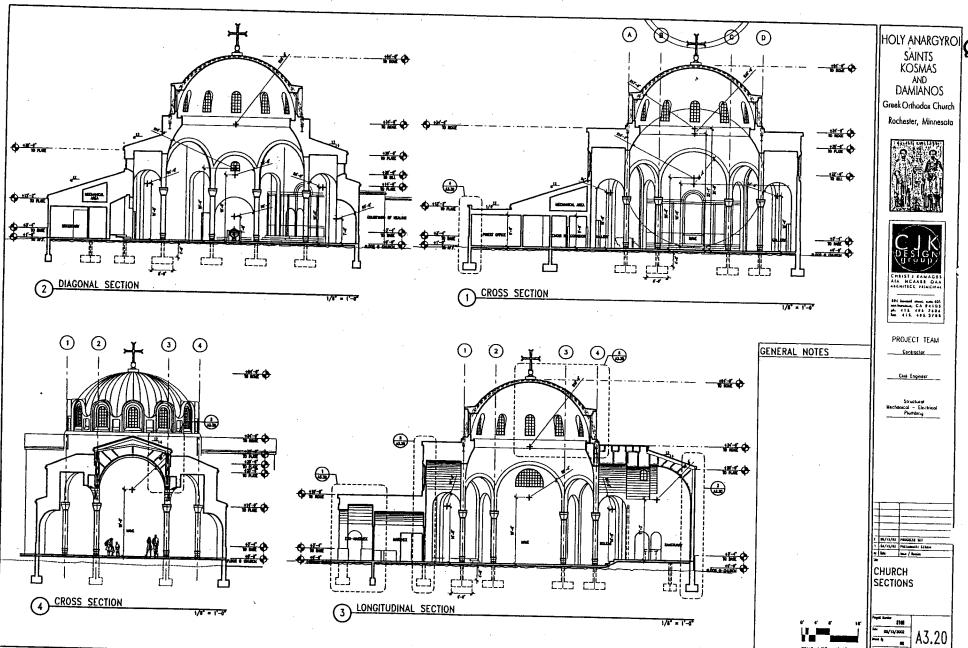




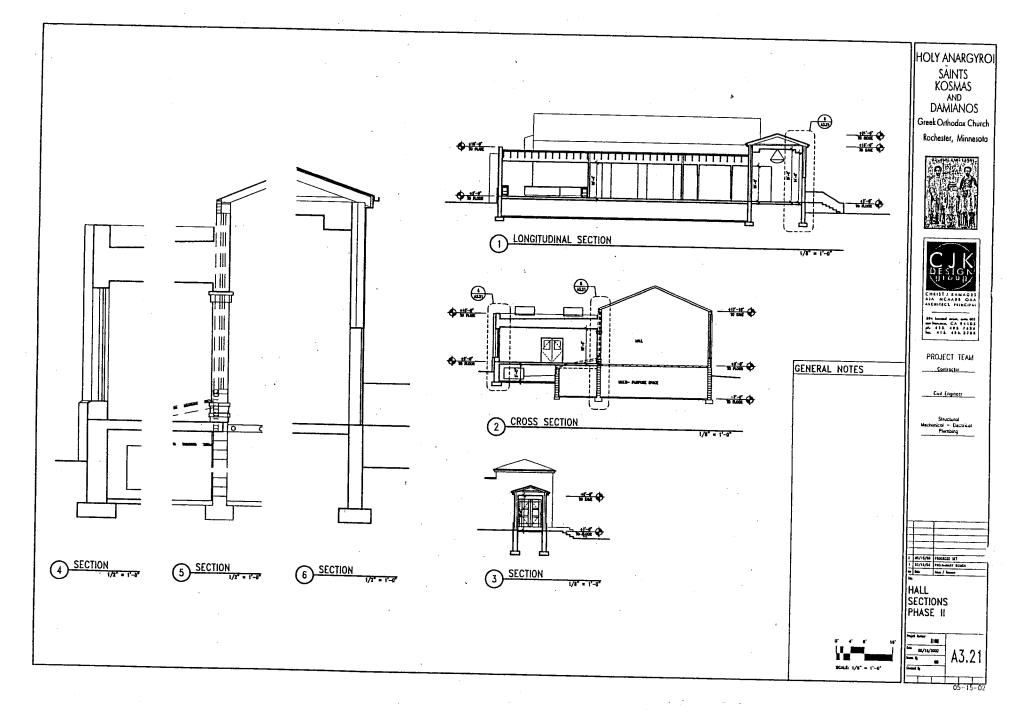
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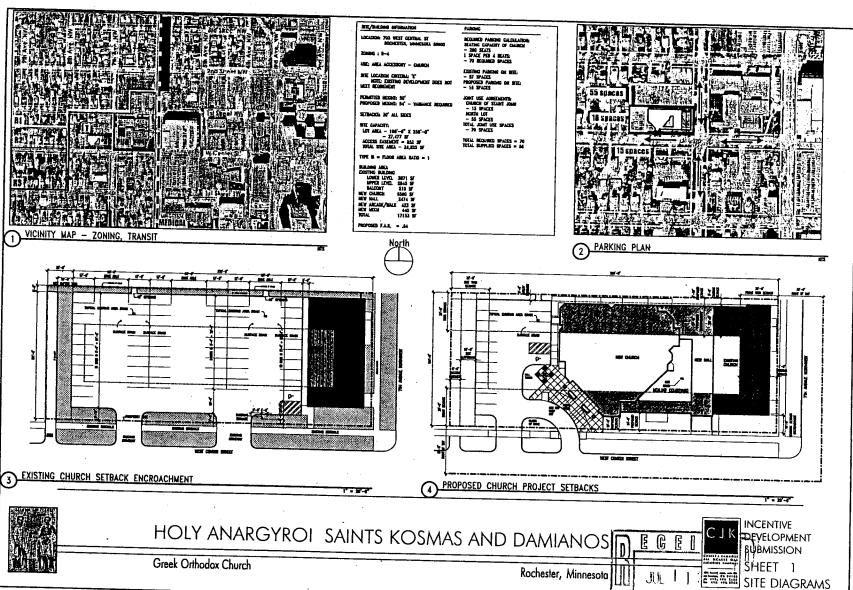


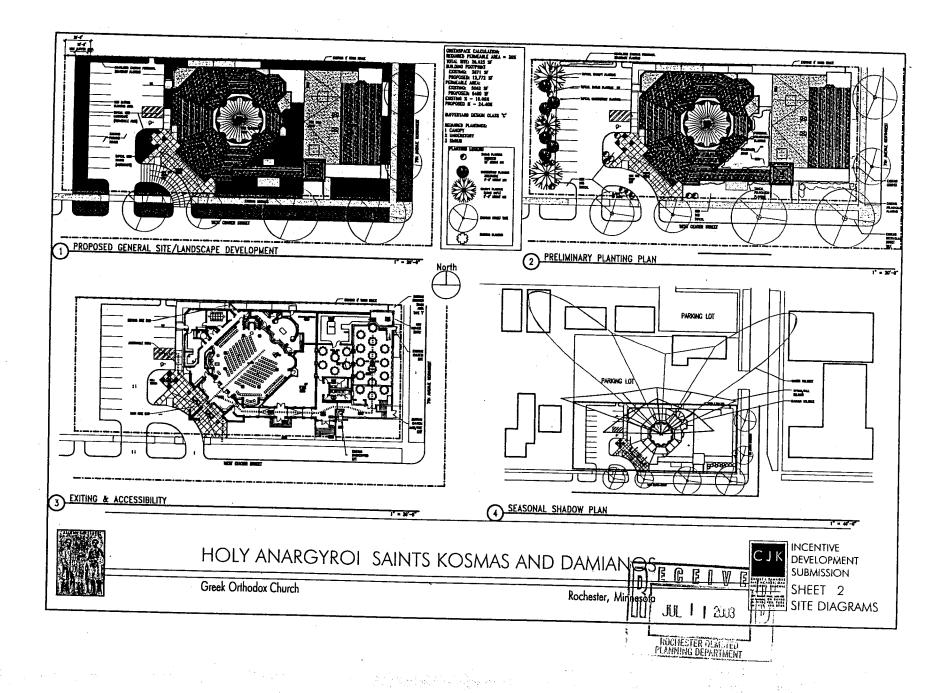




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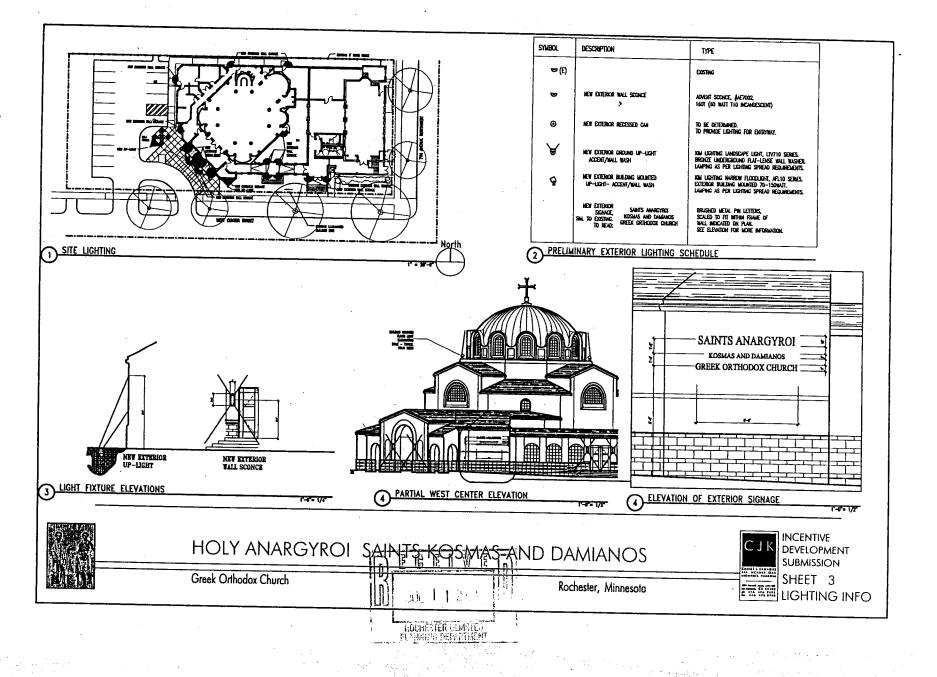




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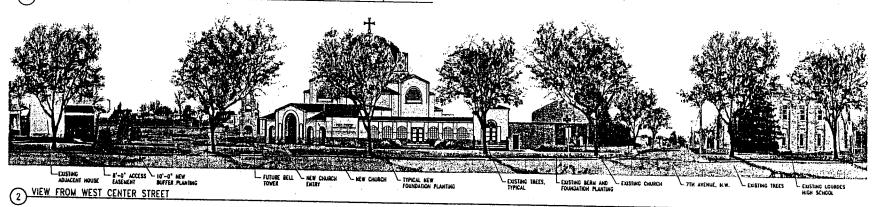


(1a) EXISTING VIEW FROM PARKING LOT



(20) EXISTING VIEW FROM WEST CENTER STREET





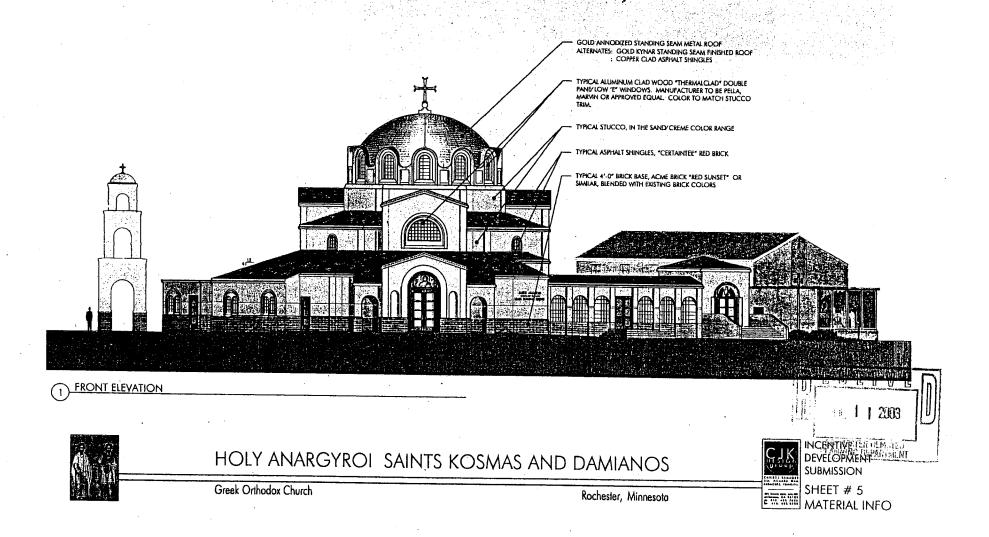


HOLY ANARGYROI SAINTS KOSMAS AND DAMIANOS DE E I CHARLOPMENT SUBMISSION

Greek Orthodox Church

Rochester, Minnesota Rochester, Minnesota CONTEXT INFO





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Brent Svenby, Planner

DATE:

August 8, 2003

RE:

Type III, Phase II Incentive Development Preliminary Plan #03-44 and Variance #03-17, by Holy Anargyroi Greek Orthodox Church to permit the construction of a church and the renovation of the existing church. The applicant is also request a number of variances relating to setbacks, parking, landscape area and building height. The property is located on the west side of 7th Avenue NW and along the north side of West Center Street.

Planning Department Review:

Applicant/Owner:

Holy Anargyroi Greek Orthodox Church

703 West Center Street Rochester, MN 55902

Consultant:

CJK Design Group

Attn: Fred Wolters

594 Howard Street, Suite 401 San Francisco, CA 94105

HGA

Attn: Hal Henderson 202 1st Avenue SW Rochester, MN 55902

Referral Comments:

Rochester Public Works Dept.

RPU Water Division

Rochester Fire Department RPU Operations Division

MnDOT

Report Attachments:

1. Land Development Manual Excerpts

2. Project Narrative

3. Site Plan and Elevations

4. Referral Comments (2 Letters)

Development Review:

Location of Property:

The property is located at 703 West Central Street.





Page 2 Greek Orthodox Church August 8, 2003

Zoning:

The property is in the R-4 (High Density Residential) district.

Summary of Proposed Development:

The applicant is proposing to construct a new main church in the traditional Orthodox style on the existing site. The current facility would be converted into educational and youth ministry center and fellowship hall. Also proposed is a "Healing and Meditation Courtyard/Garden" site on the property. The proposed church would be constructed in the traditional Orthodox style (see attached elevations). The dome on the church would be a gold anodized standing seam metal roof. The applicant has listed some alternates for the dome materials. One alternate is gold kynar standing seam-finished roof and the other is copper clad asphalt shingles. The exterior would have a 4-foot high brick base and the reminder a sand/crème color stucco with a shingle roof. The project would be done in two phases with the first phase being the construction of the new church facility.

Churches are a permitted use as an Area Accessory Development in the Rochester Zoning Ordinance. The property is zoned R-4 (High Density Residential). Within this zoning district, a floor area ratio of .40 is permitted as a Type I staff approved application. Developments with a floor area ratio between .40 and 1.00 are a Type III use, with the criteria for Incentive Development used in the review process. The total site area for this development is 26,625 square feet. The site currently consists of 7,226 square feet of building area or a floor area ratio of .27. The purposed new church has a total square footage of 9,927, which would bring the entire square footage for the church facility to 17,153, or a floor area ratio of .64.

The site currently provides 57 parking spaces. With the proposal the site only provides 16 spaces. The Church does have a parking agreement with the property to the north, which is a dental office. This agreement is for 55 spaces every Sunday. The Church also has a parking agreement with Rochester Catholic Schools/Lourdes High School for 55 parking spaces Sunday. Both of these parking areas are within 600 feet of the principal building so they can be counted as meeting the required parking spaces for the proposal. Since these agreements are not long-term leases a variance would be needed.

There is a 6-foot high wood fence along the north property boundary, which will remain. A 10-foot wide bufferyard will be planted along the west property meeting the "c" bufferyard standards. The plan also shows the construction of a future bell tower on the property. The exterior of the bell tower would match the exterior of the church.

Incentive Development:

The Incentive Development provisions of the Land Development Manual allow for a higher intensity development when certain actions are taken by the landowner to make the development more attractive and publicly acceptable. These actions may include additional open space amenities, traffic and pedestrian amenities and/or design features. The Incentive Development approval procedure is a two step process consisting of a preliminary plan and a final development plan. The preliminary plan is reviewed under a Type III, Phase II, procedure with a public hearing before the Planning Commission and a public hearing before the Council. The final plan is reviewed under the Type III, Phase III, procedure which requires a review before the Commission and hearing before the Council. The Council does have the authority to waive the final plan.

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The criteria to be considered when reviewing an Incentive Development are listed in Paragraph 62.630 (1), which is attached for your review. This section considers the suitability of the area and the site design. The preliminary plan may be approved if it is found that the development has addressed and satisfied all of the criteria, or that a practical solution consistent with the public interest can be incorporated into the design.

Density bonuses are granted in exchange for the incorporation of features determined to be of public benefit. Features to be considered are listed in Paragraphs 62.651-62.659 of the Ordinance. The sections applicable to this project are attached for your information.

Density Bonuses:

Section 62.657 Bonuses in All Residential Development:

#5 Site Planning: This project is proposing to make renovations and improvements to an existing church that is nonconforming and also construct a new church. The proposed improvements appear that they would enhance the property and be a positive change to the surrounding neighborhood.

Section 62.658 All Development:

#5 Utility Service: All unused water services must be property abandoned at the main in the street per the requirements of RPU Water Division and will be responsibility of the owner.

#7 Landscape Area: The current landscape area for the property doesn't meet the current landscape area requirement for area accessory developments in the R-4 zoning district. Even though the proposed changes to the property will not meet the minimum requirements of the zoning district, the applicant is proposing to provide more landscape area than what currently exist on the site. The applicant is requesting a variance to the minimum amount of landscape area required. Landscaping will also be provided throughout the site.

Criteria & Findings:

The criteria to be considered when reviewing an Incentive Development are listed in Paragraph 62.630 (1), which is attached for your review. This section considers the suitability of the area and the site design. The preliminary plan may be approved if it is found that the development has addressed and satisfied all of the criteria, or that a practical solution consistent with the public interest can be incorporated into the design. Staff suggests the following findings:

1) Preliminary Development Plan Criteria:

a) Suitability of the Area: The proposed site is suitable as the location for an Incentive Development. The proposed use is compatible with the existing land uses in the area and the use of the property has been in existence for many years. The proposed renovations to existing church campus will not only enhance the church property but also the surrounding neighborhood.

b) Site Design Criteria:

1) Capacity of Public Facilities: Utilities are already available to this project. Some utilities may need to be relocated (i.e water and electric) to accommodate this development. The Developer is responsible for any costs associated with relocation

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- of utilities. All existing water services that will be unused must be abandoned properly at the main in the street, per City Public Utilities Water Division requirements.
- 2) Geologic Hazards: No Geologic hazards have been identified.
- 3) Natural Features: The site is currently dominated by a bituminous parking lot. With the proposal there will be less impervious surface than what current exist on the property.
- 4) Traffic Generation Impact: The existing use of the property is not changing so the traffic generated by the church should not cause the capacity of the adjacent street to be exceeded. The major activity will be occurring on Sundays, which is typically a less traffic day compared to typically working days (Monday through Friday).
- 5) Height Impacts: The proposed buildings should not destroy views from the adjacent residential dwelling. The property to the north is an office use, the south across the street is a parking lot and to the east, across the street is another church. There will be a parking between the building and neighboring property to the west. The central location of the dome on the site will not deny sunlight from the adjacent properties.
- 6) **Setbacks:** The existing structure does not comply the required setbacks. The proposed building addition also does not comply with the requirements. The applicant is requesting a variance to the setback requirements of the City of Rochester Zoning Ordinance.
- 7) Internal Site Design: The main entrance into the church will be from West Center Street instead of the entrance from 7th Avenue NW and West Center Street. A dropost lane will serve the main entrance. Property will be allowed one 2-way access point or two access points (if one of the access points is combined with the abutting property owner. The site plan will need to be redesigned to provide one 2-way access point or two 1-way access points. It would be logical to have the far easterly access point be a one-way in access and then the next access point to the west a exit only access. Both of these accesses could not be wider than 14 feet. This design will still allow the parking lot to function properly and it only provides parking for 17 vehicles.
- 8) Screening and Buffering: The project consists of providing a bufferyard meeting the requirement for a "C" bufferyard along the westerly property boundary. One additional deciduous tree will need to be planting along West Center Street. There is an existing 6-foot high wood fence along the north property boundary, which will remain. In addition to the required bufferyard plantings, landscaping will also be provided throughout the property.
- 9) Ordinance Requirements: The existing use of the property is a nonconforming use because it does not meet some of the current zoning standards for Area Accessory Development in the R-4 zoning district. The applicant had requested variances to the standards to the zoning regulations which they can't meet.

VARIANCE:

The zoning regulations for the property fall under Area Accessory Development in Section 62.252 of the City of Rochester Zoning Ordinance and Land Development Manual.

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The maximum height permitted for an Area Accessory Development is 50 feet. The proposed height of the dome is 54 feet. The applicant has filed a variance of 4 feet to accommodate the height of the dome. The cross on top of the dome can be approved through a Type I Design Modification. Also the proposed modification encroaches into the setback area. Area Accessory Developments have a setback of 30 feet from property boundaries. The existing church already encroaches into the setback areas (25 feet on the north, 24 feet on the east and 16 feet on the south). Also the project provides 24.4% of landscape area, currently the site only has 19.05% landscape area. The minimum amount of landscape area is 30%. The proposal provides more landscape area than what currently exist on the property.

A variance to the parking requirements has been applied for. The site currently provides 57 parking spaces. With the proposal the site only provides 16 spaces. The Church does have a parking agreement with the property to the north. This agreement is for 55 spaces every Sunday. The Church also has a parking agreement with Rochester Catholic Schools/Lourdes High School for 55 parking spaces Sunday. Both of these parking areas are within 600 feet of the principal building so they can be counted as meeting the required parking spaces for the proposal. Since these agreements are not long term, the current agreement with Lourdes is for 10 years, which can be extended for another 10 years. The agreement with the property to the north exists until the either the property is sold or the Grantee decides to terminate the agreement. The applicant will need a variance of 54 parking spaces.

The applicant is requesting variance for the following:

- 1. A variance of 4 feet to the maximum height allowed
- 2. A variance of 5.6% to the minimum amount of landscape area
- 3. A variance of 20 feet for the property setback on the south side as shown on the proposed site plan
- 4. A variance of 24 feet for the property setback on the north side he southeast corner of the property as shown on the proposed site plan
- 5. A variance of 54 parking spaces.

Section 60.417 lists the findings required to approve a variance. In this case the staff suggests the following findings:

EXTRAORDINARY CONDITIONS: There does appear to be extraordinary conditions that apply to the applicant's property that may not apply generally to other properties in the area. This building provided a valuable service to the neighborhood and community. Furthermore, the church is currently nonconforming and does not comply with the zoning regulations.

REASONABLE USE: The granting of the variances requested would appear to be necessary to allow the reasonable use of the property. The church property will be upgraded and developed as a traditional Orthodox style church. It will continue to provide a valuable service to the neighborhood and community. Furthermore, the existing buildings are currently nonconforming.

ABSENCE OF DETRIMENT: The granting of the variances requested would not appear to be materially detrimental to the public welfare or to other properties in the area. The construction of a traditional Orthodox church should actually improve the appearance of the church and it appears that it would be an asset to the surround neighborhood.



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MINIMUM VARIANCE: The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to the maximum permitted height of the building, a variance to the minimum landscape area for the property and variances to the property setback requirements along the north and south property boundaries.

Staff Recommendation:

The Planning Commission will need to take action on both the Variance and Incentive Development.

Based on the staff analysis of the Variances requested, findings were written in support of them. In the opinion of staff, the proposed church addition not only will enhance the church but also the surrounding neighborhood. If the proposal isn't supported by the surrounding neighborhood, findings to deny the variances could be written by the Commission if it was felt that the site addition were too much for the site.

Based on the staff analysis and suggested findings for the Incentive Development, the Planning staff would recommend approval of this Incentive Development Preliminary Development Plan, subject to the following conditions or modifications, and may recommend additional conditions in response to the above listed items:

- 1. The Plan shall be revised to provide one 2-way access point or two 1-way access points. It would be logical to have the far easterly access point be a one-way in access and then the next access point to the west an exit only access.
- 2. A separate grading plan approval is required for this project if grading involves more than 50 cubic yards of materials and a storm water management fee will be applicable to any increase in impervious surface resulting from this project.
- 3. All sidewalk and driveway access points shall be constructed to City standards.
- 4. The Owner shall execute a Pedestrian Facilities Easement for the public sidewalk lying outside of the public right-of-way abutting the drop off area of 12th Ave. NW.
- 5. The condition of the existing concrete sidewalk and curb along the frontages of the property will be reviewed by Public Works staff and any needed panel repair and/or replacement work of sidewalk or curbing shall be done concurrent with the building expansion project. The existing access locations that are not proposed to be utilized following the building additions shall be removed and curb, sidewalk and boulevard restored.
- 6. All unused water services must be property abandoned at the main in the street per the requirements of RPU Water Division.
- 7. The applicant will need to apply for the Type I Design Modification for the height of the cross.
- 8. The applicant agrees that no deviation to the appearance of the building, design, exterior façade or landscaping will occur from the plans approved by the City Council.

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EXCERPTS FROM THE ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL

62.630 CRITERIA FOR INCENTIVE DEVELOPMENTS:

In determining whether to approve, approve with conditions, or deny an application, the Commission and Council shall be guided by the following criteria:

2) Preliminary Development Plan Criteria:

- a) Suitability of the Area: The Commission and Council shall find that the proposed site is suitable as the location for an Incentive Development based on consideration of the following factors:
 - 1) The proposed use is compatible with the existing land uses in the area or the pattern of zoning within 1,000 feet of the property boundaries.
 - 2) The natural characteristics of the site under consideration, including topography and soil characteristics, necessitate increased density to allow for economic development of the site.
- b) **Site Design Criteria**: The Commission and Council shall find that the preliminary development plan design is consistent with the following guidelines:
 - 1) Capacity of Public Facilities: The existing or future planned utilities in the area are adequate to serve the proposed development.
 - 2) Geologic Hazards: The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., has been identified and the development of these areas has been taken into account or will be addressed in the final development plan.
 - 3) Natural Features: For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
 - 4) Traffic Generation Impact: Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements or the need for improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
 - 5) **Height Impacts**: For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development in the following manner:
 - a) The structures will not deny adequate sunlight to surrounding properties;
 - The siting of the structures will not destroy views from the primary exposures of adjacent residential dwellings;



- 6) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
- 7) Internal Site Design: For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- 8) Screening and Buffering: The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- 9) Ordinance Requirements: The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.

BONUS DENSITY

- 62.658 All Development: The criteria in this paragraph may be considered for granting bonus density in all developments:
 - 1) Storm Water Management: The developer provides on-site or off-site improvements to stormwater facilities that will minimize existing flooding, erosion or siltation problems resulting from obsolete or non-existing stormwater facilities up or downstream from the tract in question; or the developer provides improvements such as over-sized retention basins, channel improvements, or recharge facilities which reduce or eliminate existing flooding, erosion or siltation caused by urban development either up or downstream. The City Council shall determine that the existing problems are sufficient to grant the bonus, based upon the recommendation of the City Engineer.
 - 2) The development proposes to integrate the reuse of an existing structure which has been vacant for 24 consecutive months.
 - 3) Easements consistent with the flood control project are provided, or other bank treatment or river beautification which will result in increased usage of the area along existing streams for walking, sitting, or other means of passive recreation are developed.
 - 4) Street improvements normally provided by the City of Rochester are constructed, dedicated or paid for by the developer. Examples include the provision of right-of-way for arterial streets beyond that normally required to be dedicated, or the construction or payment for turn lanes, signal lights, increased pavement depths, etc.
 - 5) Utility Service: The development of the site will lead to increased efficiency in the existing public utility delivery system or the more efficient use of already existing utilities. This means, a) that the necessary utilities already exist on the property to be served, or b) the development of the property will provide a necessary link or connection to complete the system or improve service.

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- 6) **Integrated Planning**: The proposed development involves the integrated development of a site which is a minimum of one acre in size and located in an established district.
- 7) Each four (4) percent increase in the landscape area ratio above the minimum required shall be considered as meeting the criteria for bonus density/floor area or an increase in plant materials so as to exceed minimum requirements.
- 8) The proposed development minimizes access points by utilizing shared access points with adjacent developments, resulting in a reduction in the number of driveway openings on a collector or higher level street.
- Parking lot landscaping for the purpose of screening residential areas and/or rightof-way areas from concentration of vehicles.

60.147 **Findings for Variances:** In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:

- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
 - there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
 - b) the variance is necessary to permit the reasonable use of the property involved; and
 - c) the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
 - the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

- 2) The Board may grant a variance to the literal provisions of this ordinance if it finds that:
 - a) there has been substantial and detrimental reliance in good faith by an applicant who has received a permit or certificate issued in error by the administrative official charged with enforcement of this ordinance; and
 - b) the mistaken issuance of the certificate or permit is not the result of an action on the part of the applicant, the property owner, or any other person or party who has had control of the property, to provide misleading or incorrect information, or to knowingly withhold



Page 10 Greek Orthodox Church August 8, 2003

information necessary for the administrative official to accurately review the permit or certificate request.

- The Board shall under no circumstances grant a variance that will allow a use otherwise not permitted within the zoning district or any variance of the elevation or levels for flood protection.
- 4) In granting a variance, the zoning administrator or the Board may impose such reasonable and appropriate conditions and safeguards as may be necessary to accomplish, to the extent possible under the circumstances, the purposes of the regulations or provisions which are to be varied or modified and to reduce or minimize potentially injurious effects of the variance upon adjoining properties, the character of the neighborhood, and the health, safety or general welfare of the community. A variance and any conditions and safeguards which were made a part of the terms under which the variance was granted are binding upon the applicant and any subsequent purchaser, heir, or assign of the property, and any violation of a variance or its condition and safeguards shall be a violation of this ordinance and punishable as such.

TYPE III, PHASE II INCENTIV EVELOPMENT PELIMINARY PLAN PLICATION HOLY ANARGYROI GREEK OK THODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902

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Owner/Applicant
Holy Anargyroi Greek Orthodox Church
703 West Center Street

Rochester, MN 55920

Architect
CJK Design Group
594 Howard Street
Suite 401
San Francisco, CA 94105
415-495-7626
415-495-2788 Fax

Project Overview

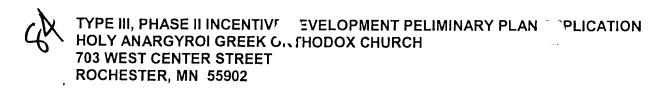
Holy Anargyroi, Saints Kosmas and Damianos Greek Orthodox Church in Rochester has a unique ministry: To serve the thousands of Orthodox who come to the Mayo Clinic for medical services. As the only Greek Orthodox Parish nourishing the faithful in this growing "city of healing", we have outgrown our current facilities. We must expand to meet current and future needs of the parish and visitors. The project is planned to provide:

- A new main church in the traditional Orthodox style and related support services area that will allow us to continue to offer our sanctuary as a place of refuge and solace to those afflicted with serious illness.
- Renovation of the current facilities to create a much needed Education and Youth Ministry Center and Fellowship Hall.
- A new "Healing and Meditation Courtyard/Garden accessible to parishioners, the families and friends of patients at the nearby clinic.

Technical Summary

The existing church footprint covers 4,550 sq. ft., (16.50%) of the existing 26,571 sq. ft, site. The proposed project translates into a 12,772 sq. ft. building footprint and a building/ site cover ratio of 48.07%. The amount of green space (permeable area) is projected to increase from approximately 5,062 to 6,480 sq. ft. or from 19.05% to 24.40%. The total building and non-permeable site cover ratio will be reduced from 81.80% to 74.60 % as a result of the project. The following site and building statistics provide additional information for your use:

| Area/ Function 1. Total Site 2. Building Foot Print 3. Green Space (Permeable) Area 4. Hardscape/ Paved (Non-Permeable) | 3,871 sq. ft. 1 | Proposed 6,571 sq. ft. 2,772 sq. ft. 6,480 sq. ft. |
|---|--|---|
| Area | 17,865 sq. ft. | 7,050 sq. ft. |
| 6. % of Building to Site Area | PROCHESTER OLMSTED PLANNING DEPARTMENT | Page 1 of 10 |



| 7. | % of Green Space | 19.05 | 24.40 |
|----|---------------------------------------|-------|-------|
| 8. | % of Non-Permeable, Hardscape Area | 67.23 | 26.53 |
| 9. | % of Total Building and Non-Permeable | 81.80 | 74.60 |
| | Area | 01.00 | 14.00 |

The following narrative is presented in the format contained in CHAPTER 62, ZONING DISTRICT REGULTAIONS, SECTION 62.630 CRITERIA FOR INCENTIVE DEVELOPMENT:

1. Preliminary Development Plan Criteria

A. Suitability of the area:

- The proposed use is compatible with the existing land uses in the area and the pattern in zoning within 1,000 feet of the property boundaries. The existing church site is zoned R-4. The proposed project is not a change of use. The existing neighborhood zoning is presented on the Vicinity Map-Zoning, Transit Plan on the attached submission Sheet 1, Site Diagrams.
- 2. The existing natural characteristics of the site are well suited for the proposed project. The flat, urban site lends itself to the expansion of the church functions. The topography does not pose any problems and the accessibility to the site will be enhanced by the development of and on-site vehicular drop off area at the new church entry. Refer to Incentive Submission Sheet 4, Context Info, for the elevations of the proposed development within the existing neighborhood setting.

B. Site Design Criteria:

- Capacity of Public Facilities The utilities in the area that service the
 existing facility are adequate to meet the project needs and will be
 extended/modified to serve the addition.
- 2. <u>Geologic Hazards</u> No Geologic hazards have been identified/exist on the site and none are anticipated to be encountered.
- 3. Natural Features: The existing site is dominated by a paved parking area. The actual landscaped area only constitutes 19% of the site area this is not in conformance with the 30% required by codes. The new project will increase the landscaped area and add a decorative entry walk to the site accessible from the public walk. A new courtyard will also add green space to the site and allow natural light into all buildings. The existing paved 20' side yard buffer will be enhanced by the addition of plantings as required by the ordinance. The new landscaped area will be 24.4% of the site still slightly below the required minimum. A variance for the amount of landscape area

TYPE III, PHASE II INCENTIV' EVELOPMENT PELIMINARY PLAN PLICATION HOLY ANARGYROI GREEK ONTHODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902



required has been submitted concurrent with the application. The flat nature of the existing site is depicted in the elevations and photographs on Sheet 4, Context Info. of the Incentive Submission.

- 4. Traffic Generation Impact: The church will not add new functions to the site, but will increase it's seating capacity allowing it to grow. Traffic to the site will decrease due to the reduction of on site parking (from 57 spaces to 16 with one handicapped). Activity on the site will peak on Sunday mornings - a traditionally light traffic time. The church has agreements with neighboring owners to allow shared use of parking areas on nearby properties. Based on the projected building occupancy load 70 parking spaces will be required. The church proposes to provide a total of 86 spaces. 16 including the required handicapped space on site. The remainder will be provided through shared use agreements. 15 spaces in a lot across the street at the corner of West Center and 7th Ave. NW and 55 spaces on an adjacent lot on 7th Ave. formerly owned by the church. The location of these parking areas is depicted in the Parking Plan (Sheet 1 Site Diagrams) of the submission. Copies of the parking agreement letters are also attached. A variance for allowing the church to meet the parking requirement, in part, through shared parking agreements have been applied for concurrent with this application.
- 5. Height Impacts: The existing Church is two stories high with the lower level half above grade. The top of the existing ridge measures 26'-0", with the bulk of the mass 25' from the public walk along 7th Avenue Northwest. The new church will be a single story and the top of its ridges will measure 34'-6". The multiple sections of the church will convene in the center of the site under a dome measuring 54'-0" in height. The central location of the dome on the site will not deny sunlight or destroy views from adjacent properties. The Shadow Plan on Sheet 2 of the Incentive submission confirms that the dome shadow will be contained on the church site and to the existing adjacent north parking lot except for very brief period (at sunrise and sunset) around the Winter Solstice. This dome is an architectural element and not occuppiable. The proposed construction's fit into the neighborhood is depicted on Sheet 4, Context Info. of the Incentive submission. The proposed church dome will be approximately as high as the existing street trees. Local ordinances limit height to 50'. A variance for the height restriction has been applied for concurrent with this application.
- 6. <u>Setbacks</u>: The zoning of the site currently states the following setback requirements:

Front yard - 30ft

Side yard - 30ft

Rear yard - 30ft



TYPE III, PHASE II INCENTIVE EVELOPMENT PELIMINARY PLAN PLICATION HOLY ANARGYROI GREEK OR CHODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902

The existing church currently creates two front yards with a building edge 6'-0" from the property line along 7th Avenue Northwest and 14'-0" from West Center street. The side of the existing building is 5' from the property to the north and 188' from the western property line. The existing church structure's encroachment into the existing required setbacks is documented on the Incentive Submission Sheet 1 along with that of the proposed project. The new building proposes to, in part, extend into the setback along West center 5' further than the existing building. The mass at this edge will be at a pedestrian scale (15'-18' high) and gradually rise to the top of the building mass at the center of the site. Along the north side, the building will step back from the existing building 3' which will increase the existing set back. The remaining sides of the new building do not enter the setbacks.

Set back variances have been applied for concurrent with this application.

- 7. Internal Site Design: Existing vehicular and pedestrian access patterns from the neighborhood and the City of Rochester in general to the site will not be affected by the project. The overall site is most visible from the corner of 7th Ave. and West Center. The existing church and church entry is located at that corner. The remainder of the existing site is a paved parking lot. The proposed project will disperse entry points to more of the site and shift the visual focus to the center of the site. A majority of the construction along West Center will be pedestrian in scale. The new church and hall addition add 3 public entries along West Center with the main entrance opening onto a small entry walk plaza and a one-way drop off area. The drop off will allow disabled and elderly easy access to the church and increase traffic flow around the site making it easier to find parking. The entry plaza is an accessible path connecting the public walk to the entrance and handicapped accessible parking.
- 8. Screening and Buffering: The new church will remove a substantial part of the existing on-site parking lot. The buffer area at the west of the site is currently paved parking. The paving will be removed and the buffer and will be enhanced by new screen planting in conformance with the ordinance. The access easement within the buffer will have no planting. The portion of the existing parking spaces that remain will continue to provide a separation between the new church and existing buildings to the west. The proposed General Site/Landscape Development Plan on submission Sheet 2, Site Diagrams depict the overall scope of the site development. The associated Preliminary Planting Plan reflects scope of the proposed buffer and general planting.
- 9. <u>Ordinance Requirements:</u> The proposed development reduces the onsite parking and will rely on parking agreements with neighboring

TYPE III, PHASE II INCENTIV)EVELOPMENT PELIMINARY PLAN PLICATION HOLY ANARGYROI GREEK ONTHODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902



properties to handle peak loads. The landscape area has been increased from present conditions but falls short from the required 30%. Variances will be needed for building height, setbacks, landscape area, and parking requirements and have been applied for concurrent with this application.

Misc. Related Final Development Plan Criteria and Conditional Use Permit Items

<u>Bonus Features</u>: Special project features presented in justification of request area increases:

- A new landmark church in the Orthodox traditional style and reflective of its mission service to the community and the families, friends of patient receiving treatment as the May Clinic.
- Development of a new "Healing Courtyard/Garden" accessible to the parishioners, the families and friends of patient at the nearby clinic.
- Optimum land utilization (Building/Functions vs. Parking) by means of shared parking for a facility primarily used on Sunday during traditional "off peak hours".
- Development location in the heart of the city allows access to downtown, major bus lines and bike routes.
- Friendlier pedestrian access and entry plaza and protected walk way with handicapped ramp to existing building. Multiple entries are located on all sides of the building.
- New buffer planting at parking lot eases view of neighbors.

<u>Site Location Criteria "E"</u>: The project does not change the street (s) used to access the site/facility. The current access does not meet the "E" criteria and it will continue not to be met with the proposed plan.

<u>Foundation Planting</u>: It is proposed that the nature and type of the existing church foundation planting be extended to the building addition along West Center street. Refer to Submission Sheet 2, Site Diagrams, Proposed General Site/Landscape Development Plan and the Preliminary Planting Plan for specifics.

<u>Planting Plan</u>: The Preliminary Planting Plan presented on the Incentive Submission Sheet 2 reflects the General Scope of the proposed site landscaping development. The final planting scheme may change based on discussions with the city and neighbors in order to provide the appropriate code conforming buffer planting.

Site Lighting: The existing parking lot is not lit nor will the remaining on site lot be lit. The small existing church dome is currently lit from lights on the existing building. The new dome will be similarly illuminated to create a subtle radiant glow at night that will not be intrusive to the neighborhood. Wall sconce lighting will be extended to the doors of the church addition. Accent lighting is also



TYPE III, PHASE II INCENTIV' EVELOPMENT PELIMINARY PLAN 'PLICATION HOLY ANARGYROI GREEK ONTHODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902

proposed to highlight the hall, main church entry, the church wall sign and future bell tower. The proposed lighting plan (Submittal Sheet 3) illustrates the location of the proposed external lighting and the anticipated general photometric patterns.

<u>Exterior Colors and Materials</u>: The Proposed exterior colors and materials are presented in the attached Submittal Sheet 5.

<u>Building Design</u>: The attached 11" x 17" (1/6" scale) Plans, Elevations and Sections present the overall building design in more detail. These and similar drawings have been preliminary reviewed with the planning dept. and related offices to make sure they conform to the various codes. The requested adjustments have been incorporated and the architect is in the process of completing the documents for Building Permit Submission.

<u>Building Exiting and Accessibility</u>: The overall building exiting presented on Sheet 2, Site Diagrams has been accepted by the reviewing agencies. The only outstanding issue is the need for handicapped access to the alter area, which is in the process of being resolved. The specifics of this outstanding issue is discussed in the building code analysis.

<u>Building Code Analysis</u>: The design is based on the assumption that the following chapters will be revised from the 2000IBC for the Minnesota Building Code: chapters 1 (administration),11(accessibility),30(elevator),34(existing building). As the final language of the code is not available, we are basing work on previous Minnesota amendments – most notably chapter 1341 Minnesota Accessibility Code. The appropriate design adjustments will be made if the building officials require a deviation from these sections.

Use and Occupancy:

The new construction will consist of the following spaces with the listed occupancy:

Phase1

New church –new worship and support spaces with a handicapped accessible entry from parking and exterior public walk.

350sf narthex (functionally a vestibule) = no occupants

1065sf of administration = 11 occupants

2750sf nave or congregation space with movable chair seating

@ 7sf/occupant = 390 occupants

590sf sanctuary – private space reserved for use by clergy and assistants = 4 occupants

Total church (phase 1) = 405 occupants

Phase2

New hall addition and existing church renovation — will change the existing church to function as a meeting space.

690 sf of new hall space tied into the existing church = 46 occupants

TYPE III, PHASE II INCENTIV' EVELOPMENT PELIMINARY PLAN PLICATION HOLY ANARGYROI GREEK OKTHODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902



1560 sf of existing church remodeled for hall seating with tables 15sf/person

= 150 occupants

810 sf prep kitchen = 5 occupants

145 sf utility area for loading and recycling requirements = 1 occupant

410 sf mechanical area = 2 occupants

Total phase 2 occupancy (upper level) = 204 occupants

Lower level renovation:

Limited to structural improvements as needed – impacted spaces:

880 sf of educational rooms - 44 occupants

1750 sf meeting area – movable chair seating 7sf/occ – 250 occupants

Total phase 2 occupancy (lower level) = 294 occupants

The total planned occupancy for the entire property will never exceed that of the church at full occupancy (390), as none of the spaces will used simultaneously at full capacity.

The entire building will be considered A-3 occupancy. The administration will be not be separated per 302.3.2 – by using the more restrictive building type. The existing building use does not change. The educational rooms under 100 occupants are allowed under note f of table 302.3.3. All storage rooms over 100sf will be separated by the appropriate construction.

Building Area and Height

The total building area for the project is 17,153 sf. The building will be a Type V A Construction – which allows 2 stories and 11,500sf per story for a total of 23,000sf (IBC 503.3). The existing church balcony will be considered a mezzanine.

Fire ratings of Building Components

- -All areas will be compliant to table 601 requiring 1 hour fire-resistive construction for : structure, bearing walls, floor and roof construction.
- -There will be no rated corridors per table 1004.3.2.1 due to the building being fully sprinklered.
- -An approved automatic sprinkler will be substituted for the roof construction requirement.
- -In areas where the exterior wall is 5-10 ft from the property line the wall will have a 1 hour fire resistive construction. 25% of this wall area is allowed to have unprotected openings.

Fire and Smoke Systems

For A-3 occupancy above 300 an approved automated sprinkler system will be provided throughout the building. An automated and manual alarm system will also be provided.

Exits and Egress



TYPE III, PHASE II INCENTIV' EVELOPMENT PELIMINARY PLAN PLICATION HOLY ANARGYROI GREEK ORTHODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902

All occuppiable rooms will conform to the code with the exceptions noted below. The courtyard occupancy will be determined by the building official, it is not part of the exit for other spaces or have any dedicated use.

Egress width as follows: .2in/occ at stair - .15in/occ other areas.

A single riser with handrail on one side will be used in areas not required to be accessible per chapter 11. (ex 2 - 1003.2.7) this includes exits at priest's office, and book alcove, and area at raised choir.

Other special areas:

Sanctuary

Guards are not required at the soleas – the built up platform at the head of the nave – per 1003.2.12 – ex 2 – on the audience side of stages and raised platforms including steps...

Baptistery

Handrails and tread widths will conform to circular stairs section 1003.3.3.7, but as designed will not conform to minimum interior radius – due to the nature of the stair as a religious object and not a means of egress.

Assembly exit requirements and 'main exit'

New church will comply with main exit – the new hall will have a series of exits due to existing construction. See the attached existing plan.

Accessibility (MN amended 1341)

Accessible route

Due to financial requirements, the connecting hallway from the new church to the existing church will be in installed in a second phase of construction. Access will be maintained by the exterior walk from the new to the old. Presently the existing church is served by a lift that connects the exterior walk to the first and lower levels

Sanctuary

The Sanctuary (with acolytes and vestry) will be private, non-accessible area, open to the priests and assistants who are required by the church to be ablebodied. A letter from church officials can be provided if necessary.

Baptistery

The baptistery is a religious object used in church ceremony. Every effort is given to include all people in church functions while preserving tradition. The baptistery by its nature will require the assistance of the priest. It would be impractical to refine the baptistery to accommodate handicapped accessibility. Choir

The choir area will consist of two raised platforms along the back wall with area for the handicapped in front.

Restrooms

All new restrooms will be accessible with the exception of the private restroom for the priest in the sanctuary.

Existing building

The existing building will be under minor renovation during the course of the project. Less than 85% of the building will be under renovation, not requiring the entire building to be accessible (1341.0411). In the first phase no alteration will occur – and there will be no change in the accessible routes. In the second phase, a series of accessible ramps with rails will tie the new construction to the

TYPE III, PHASE II INCENTIVE DEVELOPMENT PELIMINARY PLAN PLICATION HOLY ANARGYROI GREEK ORTHODOX CHURCH 703 WEST CENTER STREET ROCHESTER, MN 55902

existing main level, however there will be no change in the accessibility to the mezzanine or lower level.

The mezzanine in the existing building will have an occupancy of less than 30 – not requiring an elevator or second means of egress. The lower level is presently accessible via a lift which connects the first floor, exterior, and lower level. No change in the lift is proposed. Existing restrooms will not be remodeled. A significant change in these areas would be technically infeasible, as the required fixture count will be at the main level, and the present lift poses no safety hazard (1341.0411). Signage will direct the occupants to the nearest accessible fixtures.

Plumbing

The required fixture count is based on the full occupancy of the church -390 = 195 each sex.

Requirements:

Men: 1 water closet / 150occ = 2 fixtures (1 may be replaced with urinal <67%)

Women: 1 water closet / 75occ = 3 fixtures

Lav: 1 lav per sex / 200occ = 1 lav

Also required: 1 drinking fountain & 1 service sink

Fixtures in adjacent buildings are allowed to service the church at the time the church is occupied (note b table 2902.1)

Existing fixtures are located on the lower level of the church. They are currently accessible from the lift but typical handicapped clearances are not observed.

The fixture count is as follows:

Men - 1 lav, 1 urinal, 1 water closet Women - 1 lav, 2 water closets

The new church will have 1 unisex restroom available to the public

The new hall will have new accessible fixtures Men – 2 lav, 1 urinal, 1 water closet Women – 2 lavs, 3 water closets

The phasing of the project will dictate that during the second phase of construction, the unisex be used as the third women's and handicapped accessible facility – at the completion of the second phase, the existing restrooms will no longer be required, and may be abandoned due to non-compliance or remain as overflow.

Existing Building Renovation

The existing building lift will undergo inspection to determine if it can be classified as safe.

Minnesota Provisions

1303.1200

Plumbing ratio – water closets of women to water closets and urinals of men = 3:2

1303.1500

Recycling space - church/hall - .001 = 14850*.001 = 14.85

kitchen - .003 = 810*.003= 2.43

mech -.001 = 410*.001 = .41

office - .0025= 1065*.0025=2.66

storage -.0025=150*.0025=.37

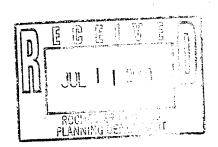
total 21 sf - at utility area

APPLICANT
HOLY ANARGYROI GREEK ORTHODOX CHURCH
703 WEST CENTER STREET
ROCHESTER, MN 55902

ARCHITECT
CJK DESIGN GROUP
594 HOWARD ST
STE 401
SAN FRANCISCO, CA 94105
415-495-7626
415-495-2788 FAX

Landscape Variance Request: The church requests a variance for meeting the 30% landscape area requirements for the project. It proposes to increase the landscape area of the existing site from 19.05% to 24.5%.

Existing and Proposed Conditions: A majority of the existing site is a paved parking lot, see attached Sheet 1. The existing church footprint covers 4,550 sq. ft., (16.50%) of the existing 26,571 sq. ft, site. The proposed project translates into a 12,772 sq. ft. building footprint and a building/ site cover ratio of 48.07%. The amount of green space (permeable area) is projected to increase from approximately 5,062 to 6,480 sq. ft. or from 19.05% to 24.40% which is still below the required 30% but an improvement on the existing condition. The total building and non-permeable site cover ratio will be reduced from 81.80% to 74.60% as a result of the project. The proposed General Site/Landscape Development Plan and Preliminary Planting Plan are presented on attached Sheet 2.



TYPE III, PHASE I VARIANCE APPLICATION



APPLICANT
HOLY ANARGYROI GREEK ORTHODOX CHURCH
703 WEST CENTER STREET
ROCHESTER, MN 55902

ARCHITECT CJK DESIGN GROUP 594 HOWARD ST STE 401 SAN FRANCISCO, CA 94105 415-495-7626 415-495-2788 FAX

<u>Parking Variance Request</u>: To allow the church to provide the number of required spaces for the proposed development through a combination of onsite parking and shared parking agreements with neighborhood property owners.

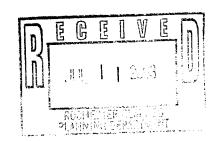
<u>Facility Capacity and Traffic Generation</u>: The new church is designed with a seating capacity of 280. The church and hall will not be used simultaneously. The church project will not add new traffic generation functions to the site. The site access patterns will remain the same. Activity on the site peaks on Sunday mornings a traditionally light traffic time and when the existing neighborhood parking accommodations area essentially not used.

Existing and Proposed Parking: The existing site has 57 parking spaces. 70 parking spaces are required by the code for the 280 seat church. The church proposes to provide 86 parking spaces (16 more than required) in the following manner:

- 16 spaces on site including the required handicap space.
- 15 spaces as part of a shared use agreement on a lot across the street at the corner of West Center and 7th Avenue NW.
- 55 spaces as part of a shared use agreement on an adjacent lot on 7th
 Avenue

86 Total Spaces

The attached aerial photo indicates the location of the shared agreement lots. Copies of the shared agreement parking letters are attached.



TYPE III, PHASE I VARIANCE APPLICATION

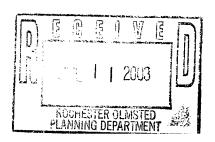


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703 WEST CENTER STREET
ROCHESTER, MN 55902

ARCHITECT
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594 HOWARD ST
STE 401
SAN FRANCISCO, CA 94105
415-495-7626
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Building Height Variance Request: Local ordinances limit the building height to 50'. The requested variance will allow the construction of a new church with a top of Dome height of 54' – 0" excluding the cross.

Existing and Proposed Conditions: The existing Church is two stories high with the lower level half above grade. The top of the existing ridge measures 26'-0", with the bulk of the mass 25' from the public walk along 7th Avenue Northwest. The new church will be a single story and the top of its ridges will measure 34'-6". The multiple sections of the church roof will merge in the center of the site under a dome measuring 54'-0" in height. The central location of the dome on the site will not deny sunlight or destroy views from adjacent properties. The Shadow Plan on attached Sheet 2 confirms that the dome shadow will be contained on the church site and to the existing adjacent north parking lot except for very brief period (at sunrise and sunset) around the Winter Solstice. This dome is an architectural element and not occuppiable. The fit of the proposed construction into the neighborhood is depicted on attached Sheet 4, Context Info. The proposed church dome will be approximately as high as the existing street trees.





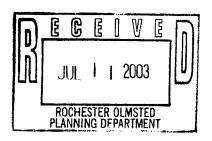
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<u>Setback Variance Request</u>: A variance is requested for the required 30ft. setback from the north and south property line for the construction of a new church.

Existing Conditions: The zoning of the site requires a 30ft setback for the front, side and rear yard. The existing church does not conform to these requirements. The existing church essentially has two front yards with a building edge 6'-0" from the property line along 7th Avenue Northwest and 14'-0" from West Center Street. The side of the existing building is 5' from the property to the north and 188' from the western property line. The existing church structure's encroachment into the existing required setbacks is documented on the attached Sheet 1 along with that of the proposed project.

<u>Proposed Development</u>: The new building proposes to mirror the existing conditions and, in part, extend a little more into the setback along West Center (5' further than the existing building) for Architectural emphasis. The mass at this edge will be in line with the existing church setback and is at a pedestrian scale (15'-18' high) which gradually increase in height to the top of the building mass at the center of the site. Along the north side, the building will step back from the existing building 3' which will increase the existing set back. The remaining sides of the new building do not enter the setbacks.





July 17, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Type III, Phase II, Incentive Development Preliminary Plan #03-44 and Variance #03-17 by Holy Anargyroi Greek Orthodox Church to permit the construction of a church and the renovation of the existing church building at 703 West Center St. NW.

Dear Ms. Garness:

Our review of the referenced Preliminary Plan is complete and our comments follow:

1. All existing water services to this site that will remain unused must be abandoned properly at the main in the street per our requirements.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Mike Glenzinski, City Public Works
Vance Swisher, Fire Prevention Bureau
Holy Anargyroi Greek Orthodox Church
GGG Engineering
CJK Design Group



ROCHESTER

Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DATE: 8/6/03

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

The Department of Public Works has reviewed the application for <u>Incentive Development #03-17</u>, for the <u>Holy Anargyroi Greek Orthodoz Church Building Addition & Remodel (703 West Center Street)</u>. The following are Public Works comments on this request.

- 1. Separate Grading Plan approval is required for this project if grading will involve more than 50 cubic yards of material.
- 2. A Storm Water Management fee will be applicable for any increase in impervious surface, resulting from this project.
- 3. The condition of existing concrete sidewalk and curb along the frontages of this property will be reviewed by Public Works staff, and any needed panel repair and/or replacement work of sidewalk or curbing shall be done concurrent with the building expansion project.
- 4. Existing access location(s) that are not proposed to be utilized following the proposed building additions shall be removed and curb, sidewalk & boulevard restored.
- 5. All Sidewalk and Driveway access points shall be constructed to City standards
- 6. Property will be allowed one 2-way access point or two access points (if one of the access points is combined with the abutting property owner.
- 7. If additional on-site hydrant(s) are needed and/or if the relocation of public sanitary sewer, storm sewer, or watermain is required, the execution of a City / Owner Contract will be necessary for this project.

Development Charges and fees applicable to the development of this property include the following, and are due within 30 days invoicing by the City (The rates below were in place 8/1/02 through 7/31/03 and the actual charges will be based on rates in place at the time of payment):

- Sewer Availability Charge (SAC) @ \$1790.25 per acre
- ❖ Water Availability Charge (WAC) @ \$1790.25 per acre
- Storm Water Management = TBD, for any increase in impervious surface.

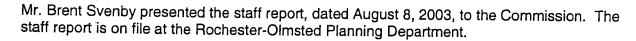
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Improvement District charges, stormwater management / Storm Water Management District (SWMC) charges, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space / outlot(s), including Outlot A, access and extension of utilities for adjacent properties and contributions for public infrastructure.

- 5. Grading and Drainage Plan approval is required prior to submitting the final plat. The Owner has indicated participation in the City's Storm Water Management Plan (SWMP) and shall pay an applicable charge for the benefit of participation.
- 6. Pedestrian Facilities shall be required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots.
- 7. If the City's proposed construction of Overland Drive NW precedes the recording of Bandel North Second, the Owner shall upon request by the City, dedicate by separate document the entire right-of-way, and any needed temporary construction easements needed for said construction.
- 8. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.

Mr. Burke moved to recommend approval of the Substantial Land Alteration with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Type III, Phase II Incentive Development Preliminary Plan #03-44 and Variance #03-17, by Holy Anargyroi Greek Orthodox Church to permit the construction of a church and the renovation of the existing church. The applicant is also request a number of variances relating to setbacks, parking, landscape area and building height. The property is located on the west side of 7th Avenue NW and along the north side of West Center Street.



Mr. Svenby discussed the parking agreements with Dr. Lund and Lourdes High School for an additional 55 spaces at each location.

Mr. Svenby recommended striking condition number 4, as the information was submitted by the consultant.

- Mr. Staver asked what the required parking would be.
- Mr. Svenby responded 70 spaces.
- Mr. Haeussinger asked if the parking agreements are only for Sundays.
- Mr. Svenby responded yes. He indicated that there would be 16 spaces on their site and parking on street is available during the week.



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City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

Ms. Petersson asked if the church would be used on other days besides Sundays.

Father Nick, of 1205 14th Street NW, Rochester MN, addressed the Commission. He stated that the perish is 50 years old. He explained that they have experienced a space crush with the fellowship hall and church school. He indicated that they acquired additional land 10 years ago and received variances. He stated that the church wants to remain in the neighborhood, even though there are at times problems. He indicated that they receive a lot of patients from Mayo who come by foot.

Father Nick stated that parking has always been an issue in the neighborhood, but believe they are maximizing the unused lots in the neighborhood by having the agreement with Lourdes High School and Dr. Lund. Also, he indicated that he did not think by adding to the church they wouldn't have a much higher attendance.

Father Nick explained that they have other services during the week (i.e. funerals). He indicated that they average approximately 2 to 3 funerals a year. Therefore, 16 spaces should accommodate any evening services. He stated that his service tonight only had 10 to 15 people attending.

Mr. Hal Henderson, of HGA Architects, addressed the Commission. He indicated that CJK Design Group was the architectural firm but were from California. Therefore, he was present on behalf of them. He stated that, even though there are some challenges in the neighborhood, the church wants to remain in the neighborhood which is a benefit to them. The church is also a value to the Mayo Clinic patients.

Mr. Henderson stated that that the applicant is in agreement with the staff-recommended conditions. A neighborhood meeting was held on August 4, 2003. The only issue that was a concern was parking. Dr. Lund did state that he thought a partner of his business would hopefully keep the business when he retires. Therefore, the agreement could be maintained for parking.

Ms. Rivas stated that she had heard that Dr. Lund had thought about moving his business due to the building not being handicapped accessible.

Mr. Henderson responded that he had not heard anything about it.

Ms. Rivas asked if the church would acquire Dr. Lund's property if he moves his business.

Mr. Henderson responded that he was unsure.

Ms. Rivas asked if an evening parking agreement could be made with Lourdes High School and Dr. Lund.

Father Nick stated that they just formalized their agreements. It is his assumption that they are able to use the parking areas after 5 p.m. He indicated that he could formalize the use, if the Commission so desired.

Father Nick stated that they lease out their lot during the day to Mayo. However, the agreement ends in September. At this time, they only have 5 spaces during the day for the church. Therefore, after September, they would have additional spaces for growth.

(0)

Ms. Rivas asked if the church was looking for additional parking due to possible growth in congregation.

Father Nick stated that they are still looking. They are trying to work with the neighborhood on all options. He indicated that he did not think the neighborhood parking problem was coming from his church.

Mr. Quinn asked if there were any other issues brought up at the neighborhood meeting.

Father Nick responded no.

Ms. Rivas asked if they planned to lease any of their parking to anyone.

Father Nick responded no.

Mr. Dave Edmonson, of 807 1st Street NW, Rochester MN, addressed the Commission. He stated that the neighborhood association generally believes the church project to be an asset to the neighborhood. He stated that they do not have any issues with the variances. He indicated that the City itself needs to accommodate more parking downtown. He suggested parking on Center Street in the evenings and perhaps other streets. He stated that he did not think that the church would bring in people than they do now just due to the addition. He stated that the property to the west of the church is a dump and the church is a real asset to Center Street.

Mr. Quinn asked if he had spoken to the City Council about his parking suggestions.

Mr. Edmonson responded no. He indicated that he has only talked with them about traffic calming due to the speed of traffic on Center Street.

Ms. Stephanie Kilen, of 821 1st Street SW, Rochester MN, addressed the Commission. She indicated that she was the current President of the Kutzky Park Neighborhood Association. She indicated that she only heard from one household with regard to parking issues, which are not directly caused by the church itself. She explained that the neighborhood association has been working on long-term visions of their neighborhood, with regard to development. They currently have a traffic calming task force that is working with Rochester Public Works Department. Therefore, they believe that the church is a good project for their neighborhood, as it fits into their long-term visualization of the neighborhood. She expressed gratification of a 10 year shared parking lease.

Mr. Glen Faith, of 1004 1st Street NW, Rochester MN, addressed the Commission. He stated he agreed with Mr. Edmonson and Ms. Kilen; he highly endorses the project. He also concurs with regard to parking. He expressed concern with the speed of traffic and the need for a better planting policy, as there have been many trees taken out and none put back in.

Mr. Mike Podulke, of 1105 West Center Street, Rochester MN, addressed the Commission. He stated that he was highly impressed with the proposal. He stated that he wouldn't mind if it was even higher to block out the parking ramp. He thanked the church for staying in the neighborhood. He stated that there are resources out there to solve the current parking and traffic issues. He indicated that the RNRC was planning a large tree planting for next year and recommended that all the neighborhood associations get involved.



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City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Staver moved to approve all 5 variance requests (#03-17 by Holy Anargyroi Greek Orthodox Church) relating to setbacks, parking, landscape area and building height with the staff-recommended findings. Mr. Quinn seconded the motion.

Mr. Haeussinger expressed concern with the additional traffic and parking. He indicated that the long term issues needed to be addressed and resolved. He indicated that he did not have an issue with the church or what they are trying to accomplish, but that the transportation issues in the downtown area needed to be addressed before businesses and developments get bigger.

Ms. Petersson stated that parking has always been an issue in the Kutzky Park neighborhood. She expressed concern with the largeness of greek weddings and funerals with regard to parking. She stated that she would feel better with a longer lease with Lourdes High School and Dr. Lund and a more formalized agreement for evening parking.

Mr. Staver stated that it was nice hearing that the neighborhood approved of the project and thought the church was in line with the vision of the neighborhood.

Mr. Burke stated that there are adequate parking spaces in the area, but that parking management is not being completely utilized. He stated that it was nice that the neighborhood was taking responsibility for parking management in the area. He stated that it was rare to have a neighborhood in favor of such a development with current parking issues.

The motion carried 7-1, with Ms. Petersson voting nay.

VARIANCES:

- 1. A variance of 4 feet to the maximum height allowed
- 2. A variance of 5.6% to the minimum amount of landscape area
- 3. A variance of 20 feet for the property setback on the south side as shown on the proposed site plan
- 4. A variance of 24 feet for the property setback on the north side as shown on the proposed site plan
- 5. A variance of 54 parking spaces.

FINDINGS:

EXTRAORDINARY CONDITIONS: There does appear to be extraordinary conditions that apply to the applicant's property that may not apply generally to other properties in the area. This building provided a valuable service to the neighborhood and community. Furthermore, the church is currently nonconforming and does not comply with the zoning regulations.

REASONABLE USE: The granting of the variances requested would appear to be necessary to allow the reasonable use of the property. The church property will be upgraded and developed as a traditional Orthodox style church. It will continue to provide a valuable service to the neighborhood and community. Furthermore, the existing buildings are currently nonconforming.



ABSENCE OF DETRIMENT: The granting of the variances requested would not appear to be materially detrimental to the public welfare or to other properties in the area. The construction of a traditional Orthodox church should actually improve the appearance of the church and it appears that it would be an asset to the surround neighborhood.

MINIMUM VARIANCE: The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to the maximum permitted height of the building, a variance to the minimum landscape area for the property and variances to the property setback requirements along the north and south property boundaries

Mr. Staver moved to recommend approval of Type III, Phase II Incentive Development Preliminary Plan #03-44 by Holy Anargyroi Greek Orthodox Church with the staff-recommended findings and conditions as presented by Mr. Svenby. Mr. Haeussinger seconded the motion.

Ms. Rivas moved to amend the original motion to approve Type III, Phase II Incentive Development Preliminary Plan #03-44 by Holy Anargyroi Greek Orthodox Church to include a recommendation that they secure additional parking agreements for evening hours prior to proceeding to the City Council. Mr. Burke seconded the motion. The motion to amend carried 7-1, with Mr. Quinn voting nay.

The motion to approve Type III, Phase II Incentive Development Preliminary Plan #03-44 by Holy Anargyroi Greek Orthodox Church with the staff-recommended findings and conditions as presented by Mr. Svenby, including the amendment by Ms. Rivas, carried 8-0.

CONDITIONS:

- The Plan shall be revised to provide one 2-way access point or two 1-way access
 points. It would be logical to have the far easterly access point be a one-way in
 access and then the next access point to the west an exit only access.
- A separate grading plan approval is required for this project if grading involves more than 50 cubic yards of materials and a storm water management fee will be applicable to any increase in impervious surface resulting from this project.
- 3. All sidewalk and driveway access points shall be constructed to City standards.
- 4. The Owner shall execute a Pedestrian Facilities Easement for the public sidewalk lying outside of the public right-of-way abutting the drop off area of 12th Ave. NW.
- 5. The condition of the existing concrete sidewalk and curb along the frontages of the property will be reviewed by Public Works staff and any needed panel repair and/or replacement work of sidewalk or curbing shall be done concurrent with the building expansion project. The existing access locations that are not proposed to be utilized following the building additions shall be removed and curb, sidewalk and boulevard restored.
- 6. All unused water services must be property abandoned at the main in the street per the requirements of RPU Water Division.

City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

- The applicant will need to apply for the Type I Design Modification for the height of the cross.
- 8. The applicant agrees that no deviation to the appearance of the building, design, exterior façade or landscaping will occur from the plans approved by the City Council.

The Commission took a 5 minute break.

OTHÈR BUSINESS:

1. Parcels included in the Rural Service District

Mr. Brent Svenby presented the staff report, dated July 29, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department,

Mr. Haeussinger moved to recommend to include Parcels in the Rural Service District as recommended by staff. Ms. Petersson seconded the motion. The motion carried 8-0.

2. Internal Lighting of Wall Signs

Mr. Brent Svenby presented the staff report, dated August 1, 2003, to the Commission. The staff report is on file at the Rochester Olmsted Planning Department.

Mr. Staver moved to initiate a text amendment with regard to internal lighting of wall signs. Ms. Petersson seconded the motion. The motion carried 8-0.

3. 2004 Budget

Mr. Wheeler presented the 2004 City Planning Commission budget.

Ms. Wiesner asked if membership should only be given to the Chairperson and they could disseminate the information to the other Commissioners as a cost saving plan.

Mr. Wheeler responded ves.

Ms. Wiesner asked if money could be used from one category for another. Otherwise, she suggested a miscellaneous category.

Mr. Wheeler responded that they could use the money in one category for something else.

The Commission asked what they had been spending their money on.

Mr. Wheeler responded that they have generally just been using it for their Annual Meeting dinner.

Ms. Wiesner asked where the money goes, if it is not used by the end of the year.

Mr. Wheeler explained that it now goes back to the City's general fund and does not get carried over.

REQUEST FOR COUNCIL ACTION

TING (D)

MEETING DATE: 09-03-03

| AGENDA | SECTION: |
|--------|-----------------|
| PUBLIC | HEARINGS |

ORIGINATING DEPT: PLANNING

ITEM NO.

ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plan) #03-23 By Us LLC to be known as Pinewood Ridge Subdivision. The Plat proposes to subdivide 63.20 acres of land into 75 lots for residential development and 4 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The applicant is also requesting a Design Modification #03-13 to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual to not provide mid-block pedestrian connections between Lots 6 & 7, Block 1, Phase II, as required in Section 64.227. The property is located south of Pinewood Road SE and west of 30th Avenue SE.

PREPARED BY:
Theresa Fogarty,
Planner

August 28, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on August 13, 2003 to consider this preliminary plat.

Mr. Engel of Yaggy Colby Associates addressed the Commission. He stated that the applicant is in agreement with the staff-recommended conditions. Staff stated that the Fire Department has agreed that a roadway width of 18 feet would be sufficient around the center island located in Pinewood Ridge Drive SE and Dunlap Street SE. Also staff requested that Condition # 1 (e) be modified to include "The mid-block connection would not be required if the Design Modification is approved by the City Council".

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

- 1. The Plat shall be revised:
 - a. Adding the direction of "SE" to Pinewood Ridge Drive so it reads "Pinewood Ridge Drive SE".
 - b. Changing Pinewood Drive to "Pinewood Road SE".
 - c. Providing an additional 20' minimum public utility easement between Lot 2 & 3 and 12 & 13, Block 4 for a required 8" watermain loop for the Petersen Lane SE cul-de-sac.
 - d. Dedicating to the City, a 30' wide outlot mid-block connection within the easement located between Lots 6 and 7, Block 1. The mid-block connection would not be required if the Design Modification is approved by the City Council.
 - e. 60' right-of-way shall be dedicated along the entire frontage of Pinewood Road SE.
- 2. Dedication of parkland shall be met via: Deferred land, as outlined in the July 23, 2003 Memorandum from the Rochester Park & Recreation Department. The amount of Outlot B that will be credited towards meeting the dedication requirements will be determined following review of the approved grading and construction plans for the pond area located in Outlot B. The design of the ponds will determine whether adequate lands meeting dedication standards will remain following construction of the pond. The grading plan for the pond, the park land and accesses to the park area shall be subject to Park Department review. Access meeting ADA requirements leading from the local street to the qualifying open space shall be provided.

| COUNCIL ACTION: Motion by: | Second by: | to: |
|----------------------------|------------|-----|
| | | |

- 3. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space including wetlands, non-developable private open space, landscape medians and vehicular access to Outlot B.
- 4. Grading and Drainage Plan approval is required prior to submitting the final plat. The Owner shall demonstrate vehicular access to Outlot B through the grading plan review process.
- 5. Development of this plat will be limited to 1200 daily trips prior to construction of a second access to serve this development.
- 6. Pedestrian facilities shall be required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots. In addition, a 10 foot bituminous path is required along the frontage of Pinewood Road SE.
- 7. Construction of a temporary turn-around and dedication of applicable temporary easement shall be required at the southerly extent of Phase I construction of Pinewood Road SE.
- 8. The center island located in Pinewood Ridge Drive SE and Dunlap Street SE shall provide at least 18 foot of roadway on both sides of the islands to facilitate emergency vehicle access.
- 9. Stormwater Management is required for this Development. Any stormwater facilities serving less than 50 developable acres shall remain private and shall require the execution of a Maintenance & Ownership Agreement, and applicable Drainage and Access Easement(s). A Stormwater Management Fee shall be applicable to any areas of this property that do not drain to an approved privately constructed on-site detention facility.
- 10. A Wetland Delineation report shall be submitted to the City for review. It appears that a Wetland Replacement Plan appears to be necessary, based on the preliminary plat.
- 11. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-23 by Us LLC to be known as Pinewood Ridge Subdivision with staff-recommended findings and conditions as revised and presented by Mr. Svenby. Mr. Quinn seconded the motion. The motion carried 8-0.

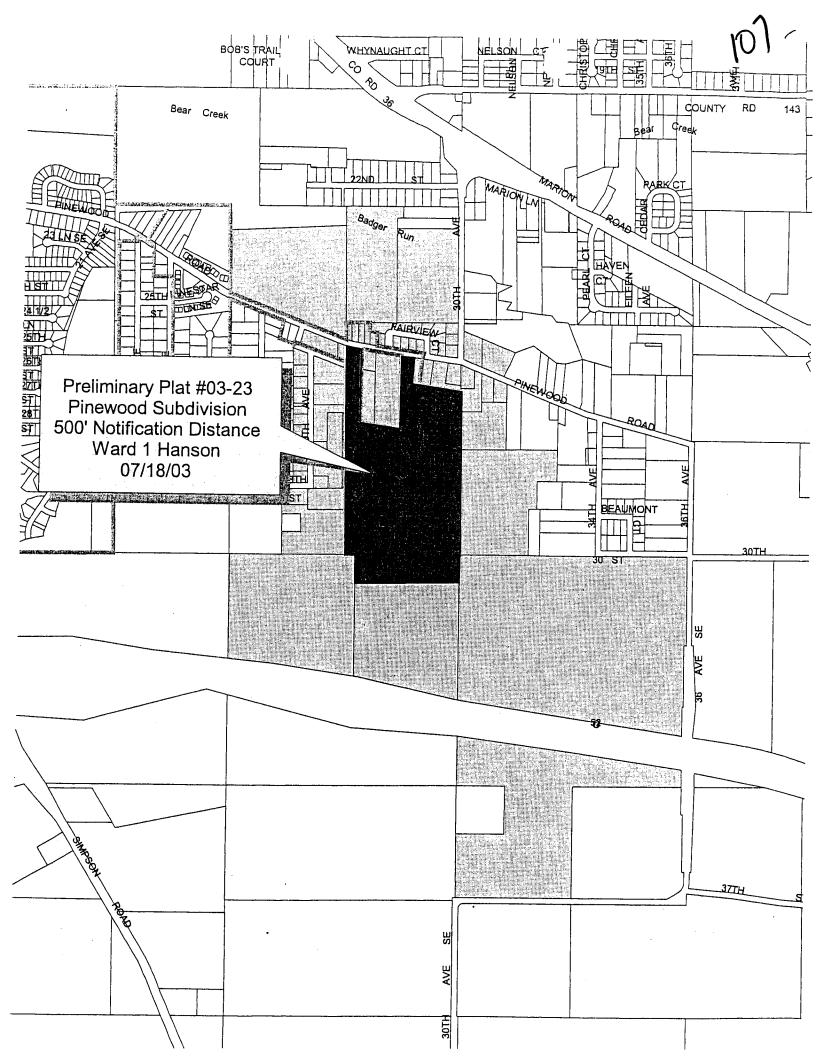
Mr. Haeussinger moved to approve the Substantial Land Alteration based on the staff- recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

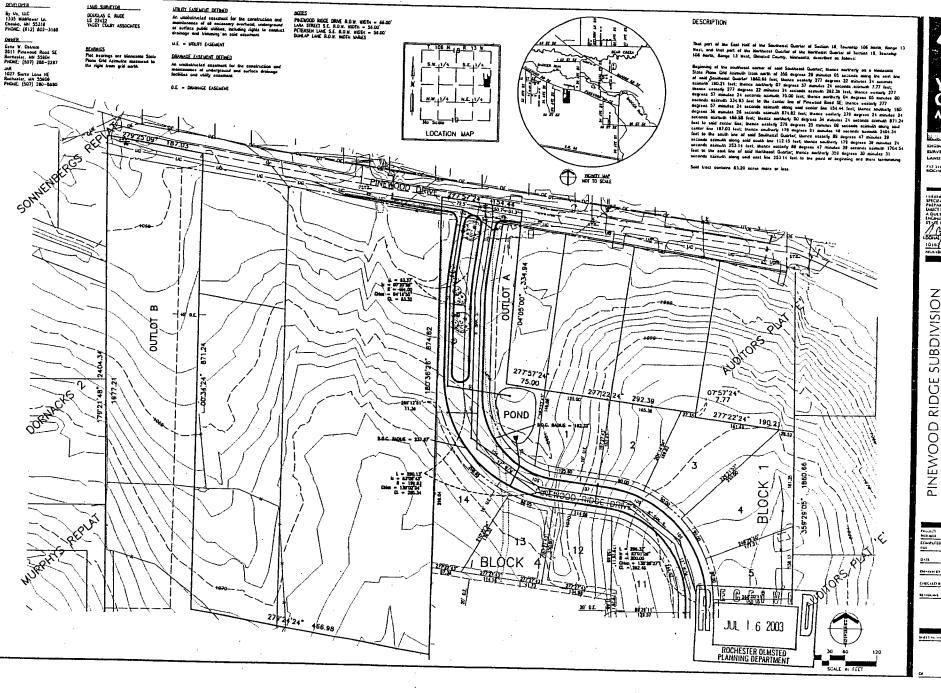
Planning Department Recommendation:

See attached staff report, dated August 7, 2003.

Council Action Needed:

- 1. The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made. The resolution should also include approval or denial of the Design Modification.
- 2. The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.





ASSOCIATES

Marie Marie Commence ENGINEERS - ARCHITECTS SURVEYORS - PLANNEIS LANDSCAPE ARCHITECTS

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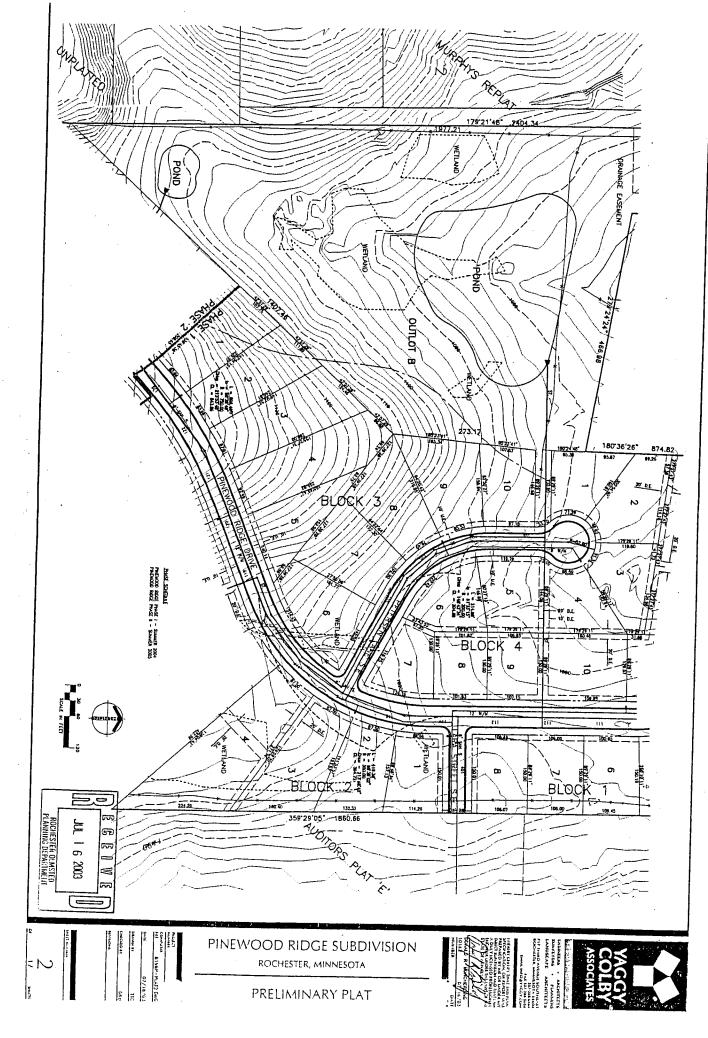
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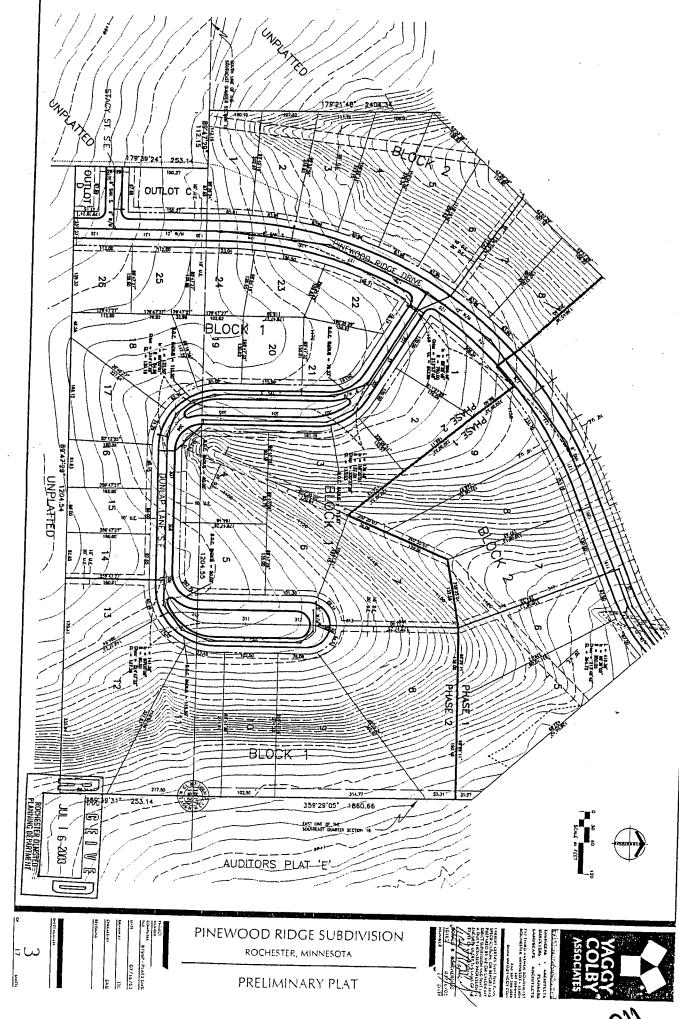
ROCHESTER, MINNESOTA

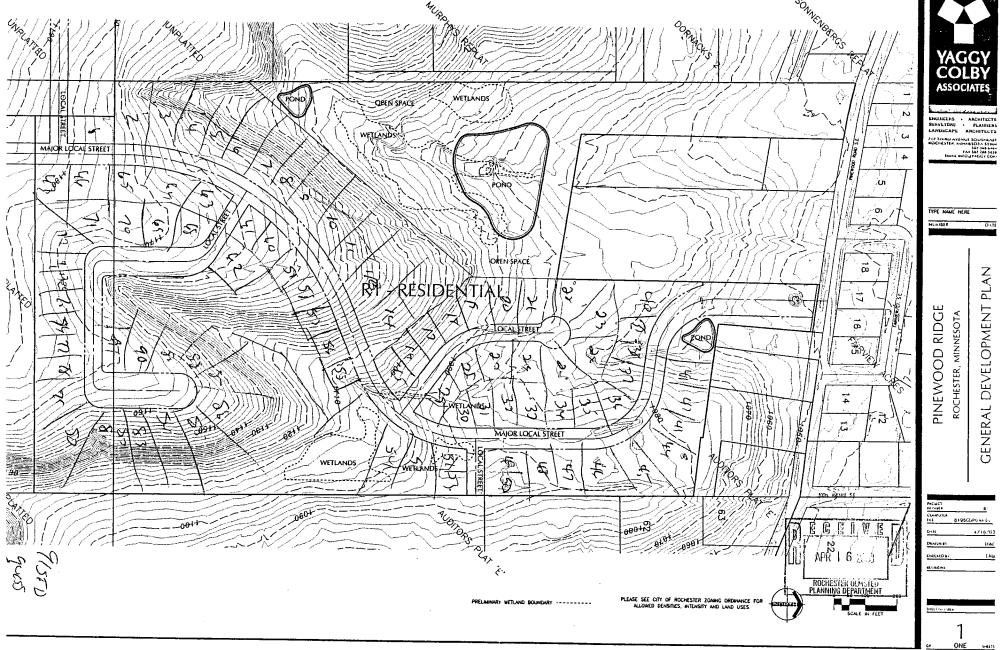
PRELIMINARY PLAT

8196P-FL 07/16/03



POJ







ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning



ADDENDUM

TO:

Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE:

August 28, 2003

RE:

Preliminary Plat #03-13 - Pinewood Ridge Subdivision

Request for Design Modification to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual to not provide a mid-block connection as required in

Section 64.227.

Planning Department Review:

Applicant/Owner:

By Us LLC

1335 Wildflower Lane Chaska, MN 55318

Surveyors/Engineers:

Yaggy Colby Associates 717 3rd Avenue SE

Rochester, MN 55904

Attachments:

Letter from Yaggy Colby, dated August 13, 2003.

Design Modification:

The applicant is requesting a design modification or waiver of public facility standards for a plat according to Section 60.424 (9) to the requirement of Chapter 64 (specifically 64.277) of the Rochester Zoning Ordinance and Land Development Manual. Section 64.277 requires mid-block connections across any block exceeding 800 feet in length.

Section 64.277 Trail Thoroughfares and Sidewalks:

Trail thoroughfares and sidewalks are a vital element of the City's transportation system providing access throughout the City for pedestrians and bicyclists, reducing traffic congestion, facilitating access to the transit system, and reducing emissions from automobiles. Unless otherwise exempted by these regulations, all new development shall provide sidewalk and trail thoroughfare improvements that are consistent with the City's adopted Thoroughfare and Sidewalk, Bike Path and Pedestrian Facilities Plan.



Page 2 Addendum Preliminary Plat #03-19 Badger Hills Subdivision August 28, 2003



- A. In addition to trails designated in the City's adopted Plans, the City shall require dedication of trails needed to maintain connectivity between and through subdivisions under each of the following circumstances, except where unique topographical conditions made the trails unfeasible:
 - 1. Across any block exceeding 800 feet in length;
 - 2. Between lots on a cul-de-sac or dead end street that abut a collector or arterial road. No more than one trail shall be required per cul-de-sac; or
 - 3. Across any block exceeding 600 feet in length which abuts a school or park site.

The preliminary plat of "Pinewood Ridge Subdivision" shows the length of Block 2 exceeding 800 feet in length, therefore a mid-block connection is required.

The applicant's consultant has provided information requesting the design modification:

Between Lots 6 & 7, Block 2, Phase II. The rear elevation of Lots 6 & 7 will be 35' to 40' below the proposed street to the east, labeled as Pinewood Ridge Drive SE on the preliminary plat. The residential lots along this portion of Pinewood Ridge Road SE as planned to be walkout lots with a significant grade difference from front to rear.

Staff recommends that the Council approve the requested design modification not to provide a mid-block connection in Block 2, Phase II.

ARCHITECTS

IX

SURVEYORS



August 13, 2003

Mr. Brent Svenby Olmsted County Consolidated Planning 2122 SE Campus Drive Rochester, MN 55904

RE: Request for Design Modification Pinewood Ridge Subdivision

Dear Brent:

The owners of the proposed subdivision hereby request the approval of a Design Modification, Mid Block Walkway Requirement, for the following reasons:

• Between Lots 6 and 7, Block 2 Phase II The rear lot elevation of Lots 6 and 7 will be 35' to 40' below the proposed street to the east (labeled Pinewood Ridge Drive SE, on the Preliminary Plat). The residential lots along this portion of Pinewood Ridge Road SE are planned to be walkout lots with a significant grade difference from front to rear yards.

Please call if you have any questions.

Sincerely,

YAGGY COLBY ASSOCIATES

Mark Engel

Project Designer

ME/ws YCA #8196 LANDSCAPE ARCHITECTS

PLANNERS

ROCHESTER OFFICE:

717 Third Avenue SE

Rochester, MN 55904

507-288-6464

Fax 507-288-5058

MPLS/ST PAUL OFFICE:

651-681-9040

MASON CITY OFFICE:

641-424-6344

DELAFIELD OFFICE:

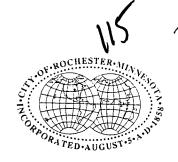
262-646-6855

ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



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TO:

City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE:

August 7, 2003

RE:

Land Subdivision Permit (Preliminary Plat) #03-23 by By Us LLC to

be known as Pinewood Ridge Subdivision. The Plat proposes to

subdivide 63.20 acres of land into 75 lots for residential

development and 4 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of Pinewood Road SE and

west of 30th Avenue SE.

Planning Department Review:

Applicant/Owner:

By Us LLC

1335 Wildflower Lane Chaska, MN 55318

Surveyors/Engineers:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Referral Comments:

RPU Water Division RPU Operations Division Park and Rec. Department

Rochester Public Works Department Planning Department - Addressing staff

Rochester Fire Department

Wetlands LGU

Report Attachments:

- 1. Land Development Manual Excerpts
- 2. Referral Comments (7 letters)
- 3. Location Map
- 4. Copy of Preliminary Plat
- 5. Pinewood Ridge General Development Plan
- 6. Memo from Yaggy Colby Associates, dated July 16. 2003.
- 7. Copy of Substantial Land Alternation Map





Page 2 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003

Development Review:

Zoning:

Roadways:

Pedestrian Facilities:

A portion of this property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map. The southerly portion is currently zoned A-4 (Agricultural Urban Expansion) District on the Olmsted County zoning map. A request for annexation has been filed. Once approved, the property will be zoned R-1.

This plat proposes to dedicate right-of-way for five new roadways.

The center islands located in Pinewood Ridge Drive SE and Dunlap Street SE shall provide at least 20 foot of roadway on both sides of the islands to facilitate emergency vehicle access.

Pinewood Drive SE need to be changed to "Pinewood Road SE". 60' of right-of-way shall be dedicated along the entire frontage of Pinewood Road SE.

Pinewood Ridge Drive is missing its directional. Add the direction of a "SE" to Pinewood Ridge Drive SE. Construction of a temporary turn-around and dedication of an applicable temporary easement shall be required at the southerly extent of Phase I construction of Pinewood Ridge Drive SE.

In accordance with current City policy Pedestrian Facilities are required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public frontage along the frontage of any Outlots. In addition, a 10 foot bituminous pedestrian path is required along the frontage of Pinewood Road SE.

Section 64.227 of the Land Development Manual requires the dedication of trails needed to maintain connectivity between and through subdivisions under the following circumstance "Across any block exceeding 800 feet in length". According to the proposed plat Block 2 and Block 3 exceed 800' in length and according to the approved GDP, the developer shall provide 30 foot mid-block connections to the area identified as open space on the GDP (Outlot B on the preliminary plat). A mid-block connection (30' wide outlot) is required providing connection from Pinewood Ridge Drive SE to the open space labeled as Outlot B. Staff is suggesting that an additional midblock connection be placed within the easement located between Lots 6 and 7, Block 2, widened to 30' feet and identified as an Outlot and deeded to the City.

Page 3 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003 117

Drainage:

Grading and Drainage Plan approved is required prior to submitting the final plat.

The property generally drains to the south-east.

Stormwater Management is required for this Development. Any stormwater facilities serving less than 50 developable acres shall remain private and will require the execution of a Maintenance & Ownership Agreement, and applicable Drainage and Access Easement(s). A Stormwater Management Fee will be applicable to areas of this property that do not drain to an approved privately constructed on-site detention facility. Vehicular access is required to all stormwater detention facilities whether public or private. The Owner shall be required to demonstrate said access to Outlot A through the grading plan review process.

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils.

A wetland delineation has been completed by the developer and reviewed by the Olmsted County SWCD. No report has yet been submitted to the city. A wetland replacement plan appears to be necessary based on the preliminary plat.

Static water pressures within this area will range from 50 to 105 PSI. The builders must install pressure reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.

An additional 10' wide utility easement on both sides of Pinewood Ridge Drive SE to Pinewood Road SE is required.

A 20' minimum public utility easement is needed between Lots 2 & 3 and 12 & 13, Block 4 for a required 8" water main loop for the Petersen Lane SE culd-desac.

Phasing for the development of the northerly portion of this proposed plat with gravity flow sanitary sewer will be dependent on extension of services through the currently undeveloped property east of this plat, or will require a private lift station. A feasibility report has been requested and is being prepared by Public Works for the proposed J7710 project.

Wetlands:

Public Utilities:

Page 4
Preliminary Plat #03-23
Pinewood Ridge
August 7, 2003

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 90 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: Dedication of land.

The amount of Outlot B that will be credited towards meeting the dedication requirement will be determined following review of the approved grading and construction plans for the pond area located in Outlot B. The design of the ponds will determine whether adequate lands meeting dedication standards will remain following construction of the pond. The grading plan for the pond, the parkland and accesses to the park area should be subject to Park Department review. Access meeting ADA requirements leading from the local street to the qualifying open space needs to be provided.

General Development Plan:

This property is included within the approved Pinewood Ridge General Development Plan (GDP).

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, B of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a preliminary plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

This development includes a proposal for fill work which involves a grade change of 10-feet or more from the pre-existing grades. The approximate area where the grade is proposed to be changed are the roadways located in the area of Block 1, Lot 1, Block 2, Lot 4 & 5, Block 3, Lots 5 & 6 and Block 4, Lots 12 & 13.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:

Page 5 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003

119

62.1105

- 1) The activity should not result in danger to life or property. Generally, adding fill to the roadway will be regraded to be suitable for residential uses. The grading and drainage plans will need to comply with City standards and be approved by the Rochester Public Works Department.
- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All fill material is existing on site and will be used to level the roadways within this plat to more suitable grades for residential uses. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All materials will stay on-site, it will not be necessary to truck in fill or haul fill from the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. There will not be any steep slopes or exposed rock faces. The natural topography of the area is being re-graded to provide adequate slopes for roadways for residential uses.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the land use plan.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed in one phase, during the summer of 2004.
- 8) The grading will only take place during one phase, during the summer of 2004. There are no homes in the immediate area that will be visually affected by the grading activity. Noise and dust control will need to comply with City standards.
- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.
- 11) The areas of grading do not contain sinkholes or wetlands and should not effect the ground water or surface quality once restoration and stabilization is completed.
- 12) The grading work is expected to be completed in one phase, during the summer of 2004. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.



Page 6 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003

15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Preliminary Plat Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. A Development Agreement has been executed with the City, therefore the staff recommends approval with the following conditions / modifications:

1. The Plat shall be revised:

- a. Adding the directional of "SE" to Pinewood Ridge Drive so it reads "Pinewood Ridge Drive SE".
- b. Changing Pinewood Drive to "Pinewood Road SE".
- c. Continuing the 10' utility easement along the west side of Pinewood Ridge Drive SE to Pinewood Road SE.
- d. Providing an additional 20' minimum public utility easement between Lot 2 &3, and 12 & 13, Block 4 for a required 8" watermain loop for the Petersen Lane SE cul-de-sac.
- e. Dedicating to the City, a 30' wide outlot mid-block connection within the easement located between Lots 6 and 7, Block 2.
- f. 60' right-of-way shall be dedicated along the entire frontage of Pinewood Road SE.

Page 7 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003

- 2. Dedication of parkland shall be met via: Deferred Land, as outlined in the July 23, 2003 Memorandum from the Rochester Park and Recreation Department. The amount of Outlot B that will credited towards meeting the dedication requirements will be determined following review of the approved grading and construction plans for the pond area located in Outlot B. The design of the ponds will determine whether adequate lands meeting dedication standards will remain following construction of the pond. The grading plan for the pond, the park land and accesses to the park area shall be subject to Park Department review. Access meeting ADA requirements leading from the local street to the qualifying open space shall be provided.
- 3. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space including wetlands, non-developable private open space, landscape medians and vehicular access to Outlot A.
- 4. Grading and Drainage Plan approval is required prior to submitting the final plat.

 The owner shall demonstrate vehicular access to Outlot A through the grading plan review process.
- 5. Development of this plat will be limited to 1200 daily trips prior to construction of a second access to serve this development.
- 6. Pedestrian Facilities shall be required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots. In addition, a 10 foot bituminous pedestrian path is required along the frontage of Pinewood Road SE.
- 7. Construction of a temporary turn-around and dedication of an applicable temporary easement shall be required at the southerly extent of Phase I construction of Pinewood Ridge Drive SE.
- 8. The center islands located in Pinewood Ridge Drive SE and Dunlap Street SE shall provide at least 20 foot of roadway on both sides of the islands to facilitate emergency vehicle access.
- 9. Stormwater Management is required for this Development. Any stormwater facilities serving less than 50 developable acres shall remain private and shall require the execution of a Maintenance & Ownership Agreement, and applicable Drainage and Access Easement(s). A Stormwater Management Fee shall be applicable to any areas of this property that do not drain to an approved privately constructed on-site detention facility.
- 10. A Wetland Delineation report shall be submitted to the City for review. It appears that a Wetland Replacement Plan appears to be necessary, based on the preliminary plat.



Page 8 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003

11. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.

Reminder to Applicant:

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.
- This Plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.

Page 9 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003



CITY OF ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.



Page 10 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003

- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

Effective May 15, 1999

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Land Development Manual Excerpts Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
- a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
- b) Stormwater management facilities or other public infrastructure approved by the City.
- c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
- d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
- e) On-going cemetery (burial) operations.
- f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
- g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if <u>all</u> of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out.
- The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;

Page 12 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003

- 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
- 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreation uses, existing or planned development, public facilities, open space resources and other natural resources;
- 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
- 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
- 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
- 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
- 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
- 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
- 13) Permanent and interim erosion and sediment control plans have been approved by the City;
- 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies;
- 15) The proposed activity complies with the requirements of the adopted building code.
- 61.146 Standards for Conditional Uses: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.

Page 13 Preliminary Plat #03-23 Pinewood Ridge August 7, 2003



- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 61.147 Conditions on Approval: In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.

SURVEYORS



July 16, 2003

RE:

Dear Ms. Baker:

LANDSCAPE ARCHITECTS

Ms. Mitzi Baker Rochester-Olmsted Planning Department 2122 Campus Drive SE Rochester, MN 55904

ROCHESTER OFFICE:

PLANNERS

717 Third Avenue SE

Rochester, MN 55904

Substantial Land Alteration Requests Pinewood Ridge Subdivision

Rochester, Minnesota

507-288-6464

This letter is to serve as a request for a Substantial Land Alteration (SLA) for the Pinewood Ridge Subdivision. Please see the attached Substantial Land Alteration Map indicating the areas requiring a SLA.

Fax 507-288-5058

The property will be regraded to be suitable for residential applications. The grading, streets, and utilities are planned to be completed in the summer of 2004. Generally, the public streets will be graded to ten percent (10%) slopes or less. All slopes greater than 4:1 will be stabilized with wood fiber blanket when seeded.

MPLS/ST PAUL OFFICE:

651-681-9040

Sincerely,

YAGGY COLBY ASSOCIATES

Please call if you have any questions.

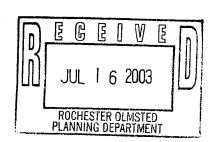
MASON CITY OFFICE:

641-424-6344

Donald R. Borcherding, PE

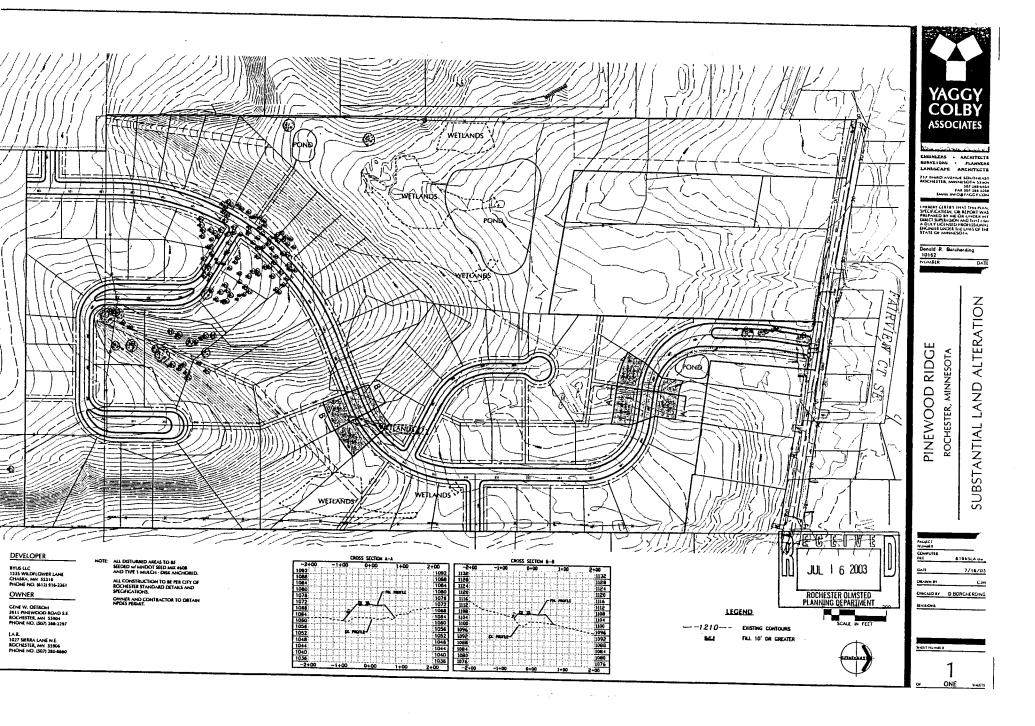
DRB:mwe YCA #8196LD2

Attachment: Plan with greater than 10' cuts and fills marked



DELAFIELD OFFICE:

262-646-6855



B

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August 1, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

- 1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
- 2. A 20' minimum public utility easement is needed between Lots 2 & 3 and 12 & 13, Block 4 for a required 8" water main loop for the Petersen Lane SE Cul-de-sac.
- 3. Approximate static water pressures within this area will range from 50 PSI to 105 PSI. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code (homes were the MFF is at or below elevation 1120).
- 4. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Wade Dumond, Yaggy Colby Associates
By Us LLC

om Richarde

CPUwe pledge, we deliver

DATE:

July 29, 2003

TO:

Jennifer Garness, Planning Dept. Rochester-Olmsted Planning Dept.

FROM:

Michael J. Engle, Supv. of Distribution Design

Rochester Public Utilities

280-1579

SUBJECT:

Land Subdivision Permit (Preliminary Plat) #03-23 by By Us LLC to be

known as Pinewood Ridge Subdivision. The Plat proposes to

subdivide 63.20 acres of land into 75 lots for residential development and 4 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a *Substantial Land Alteration* to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south

of Pinewood Road SE and west of 30th Avenue SE.

RPU's Operations Division review of the above-referenced land subdivision permit (preliminary plat) is complete and our comments follow:

 We request a ten foot utility easement on both sides of Pinewood Ridge Drive SE all the way to Pinewood Road SE.

Sincerely,

la

c. By Us LLC

michael

Yaggy Colby Associates



ROCHESTER PARK AND K_CREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

July 23, 2003

TO:

Jennifer Garness

Planning

RE:

Preliminary Plat #03-23

Pinewood Ridge

| Acreage of plat | 63.20 a |
|---------------------------|----------|
| Number of dwelling units | 75 units |
| Density factor | .0244 |
| Dedication | 1.83 a |
| Fair market value of land | na |

The Park and Recreation Department recommends that dedication requirements be met via: Dedication of land.

The amount of Outlot B that will be credited towards meeting the dedication requirement will be determined following review of the approved of the grading and construction plans for the pond area located in Outlot B. The design of the ponds will determine whether adequate lands meeting dedication standards will remain following construction of the pond. The grading plan for the pond, the park land and accesses to the park area should be subject to Park Department review. Access meeting ADA requirements leading from the local street to the qualifying open space needs to be provided.

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ROCHESTER

Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 - 507-287-7800 FAX - 507-281-6216

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application for <u>Preliminary Plat #03-23 & Substantial Land Alteration</u> for the proposed <u>Pinewood Ridge Subdivision</u>. The following are Public Works comments on this request:

- 1. Unless surety for Substantial Land Alteration restoration is specifically included in the Contractor's Bonds for the City-Owner Contract for this project, the Owner will be required to provide separate surety in an amount and in a form acceptable to the City Engineer, prior to Grading Plan approval.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction / TID charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. Stormwater management is required for this Development. Any stormwater facilities serving less than 50 developable acres shall remain private and will require the execution of Maintenance & Ownership Agreement, and applicable Drainage and Access Easement(s). A Storm Water Management fee will be applicable to any areas of this property that do not drain to an approved privately constructed on-site detention facility.
- 4. Vehicular access is required to all stormwater detention facilities whether public or private. The Owner will be required to demonstrate said access to Outlot A through the grading plan review process.
- 5. Ownership and maintenance of wetlands and non-developable private open space will be addressed in the Development Agreement.
- 6. Maintenance of the proposed landscape medians shall be addressed in the Development Agreement.
- 7. Development of this property is limited to 1200adt prior to construction of a second access to serve this development.



ROCHESTER

- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

- 8. Pedestrian facilities will be required, at the Applicant's expense, along both sides of all new public roads within this property, including the public road frontage along any Outlots. In addition, a 10 foot bituminous pedestrian path is required along the frontage of Pinewood Rd SE.
- 9. Construction of a temporary turn-around, and dedication of an applicable temporary easement will be required at the southerly extent of Phase 1 construction of Pinewood Ridge Dr SE.
- 10. Execution of a City-Owner Contract is required prior to Construction of public infrastructure to serve this development.
- 11. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
- 12. 60' of Right of way shall be dedicated along the entire frontage of Pinewood Road.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Sanitary Sewer Availability Charge (SAC) @ \$1,790.25 per developable acre.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- Substandard Street Reconstruction / TID for Pinewood Rd SE To Be Determined
- Storm Water Management, to be determined for any areas that do not drain to a privately constructed on-site detention facility.
- ❖ Traffic Signs as determined by the City Engineer.
- NOTE: This property has previously paid for the J9436 Pinewood Rd SE Sanitary Sewer & Watermain extension project.





Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 30, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County

Planning Department

CC:

Mark Engle (Yaggy Colby)

RE:

PINEWOOD RIDGE SUBDIVISION PRELIMINARY PLAT #03-23

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

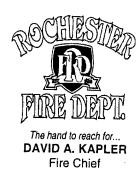
1. Reference to PINEWOOD DRIVE is incorrect.

RECOMMENDATION: Change Pinewood Drive to PINEWOOD ROAD SE.

2. PINEWOOD RIDGE DRIVE is missing its directional.

RECOMMENDATION: Add the directional of SE to PINEWOOD RIDGE DRIVE SE.





DATE: July 28, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Rochester Fire Department

SUBJ: Land Subdivision Permit (Preliminary Plat) #03-23 by Us LLC to be known as Pinewood

Ridge Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets
 less than 28 feet in width shall be posed "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
 - c) The center islands located in Pinewood Ridge Dr SE and Dunlap Lane SE shall be provide at least 20 foot roadways on both sides of the islands to facilitate emergency vehicle access.
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division Mark Balker, Rochester Public Works Buy Us LLC Yaggy Colby Associates

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Preliminary Plat #03-23, Pinewood Ridge

| | A wetland delineation has been completed by the developer and reviewed by the Olmsted SWCD. No report has yet been submitted to the city. A wetland replacement plan appears to be necessary based on the preliminary plat. |
|-------------|---|
| \boxtimes | Other or Explanation: |
| | No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands. |
| | A wetland related application has been approved by the City. This plan incorporates the approved wetland plan. |
| | A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department. |
| | A wetland delineation has been carried out for the property and is on file with the Planning Department. |
| | Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application. |
| | No hydric soils exist on the site based on the Soil Survey |
| | |



Page 2

City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner opened the public hearing. With no one wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Rivas moved to recommend approval of Vacation Petition #03-03 by Menards, Inc. with the staff-recommended conditions. Mr. Burke seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. Prior to recording this vacating request, the applicant shall dedicate all new right-of-way and utility easements for the relocation of the right-of-way and utility easements. The owner shall be responsible for any costs associated with the relocation of the right-of-way, and utilities.
- The right-of-way being vacated has never been officially designated as 30th Street SE nor can the new roadway be designated as such. The designation of the new cadway must be coordinated and verified by the Planning Department GIS staff.



Land Subdivision Permit (Preliminary Plat) #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision. The Plat proposes to subdivide 63.20 acres of land into 75 lots for residential development and 4 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of Pinewood Road SE and west of 30th Avenue SE.

Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the applicant submitted a Design Modification application that would go before the City Council along with the Preliminary Plat.

Mr. Svenby stated that Rochester Public Utilities indicated that condition number 1)c listed in the staff report could be stricken.

Mr. Svenby also asked that the following be added to the end of condition 1)e listed in the staff report: "The mid-block connection would not be required if the Design Modification is approved by the City Council."

Mr. Svenby stated that the Fire Department has agreed that a roadway width of 18 feet would be sufficient around the center islands located in Pinewood Ridge Drive SE and Dunlap Street SE.

Discussion ensued regarding parkland dedication.

Discussion ensued regarding maintenance of islands.

Mr. Mark Engel, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN, 55904), addressed the Commission. He asked if reference to Outlot A in conditions 3 and 4 listed in the staff report shouldn't be "Outlot B".

- Mr. Svenby responded yes.
- Ms. Wiesner asked what Outlot C and D would be used for.
- Mr. Engel responded that they were not sized for a residential lot. He indicated that they could be used for adjacent development of land.
- Mr. Haeussinger asked if the applicant agreed with the staff-recommended conditions.
- Mr. Engel responded yes.
- Mr. Pete Murphy, of 2722 26th Avenue SE, Rochester MN, addressed the Commission. He asked where the park would be located.
- Mr. Svenby responded Outlot B.
- Mr. Murphy asked how individuals would get to it.
- Mr. Svenby responded that there would be a trail along Pinewood Road and a park access from the cul-de-sac. Once the Park and Recreation Department decides how to develop the park, there may be a trail developed on the outlot.
- Mr. Murphy asked how deep the pond would be in Outlot B.
- Mr. Svenby responded that he would not know until a grading plan was submitted.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision with the staff-recommended conditions as revised and presented by Mr. Svenby. Mr. Quinn seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. The Plat shall be revised:
 - A. Adding the directional of "SE" to Pinewood Ridge Drive so it reads "Pinewood Ridge Drive SE".
 - B. Changing Pinewood Drive to "Pinewood Road SE".
 - C. Continuing the 10' utility easement along the west side of Pinewood Ridge Drive SE to Pinewood Road SE.
 - D. Providing an additional 20' minimum public utility easement between Lot 2 &3,



Page 4

City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

and 12 & 13, Block 4 for a required 8" watermain loop for the Petersen Lane SE cul-de-sac.

- E. Dedicating to the City, a 30' wide outlot mid-block connection within the easement located between Lots 6 and 7, Block 2. The mid-block connection would not be required if the Design Modification is approved by the City Council.
- F. 60' right-of-way shall be dedicated along the entire frontage of Pinewood Road SE.
- 2. Dedication of parkland shall be met via: Deferred Land, as outlined in the July 23, 2003 Memorandum from the Rochester Park and Recreation Department. The amount of Outlot B that will credited towards meeting the dedication requirements will be determined following review of the approved grading and construction plans for the pond area located in Outlot B. The design of the ponds will determine whether adequate lands meeting dedication standards will remain following construction of the pond. The grading plan for the pond, the park land and accesses to the park area shall be subject to Park Department review. Access meeting ADA requirements leading from the local street to the qualifying open space shall be provided.
- 3. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space including wetlands, non-developable private open space, landscape medians and vehicular access to Outlot B.
- 4. Grading and Drainage Plan approval is required prior to submitting the final plat. The owner shall demonstrate vehicular access to Outlot B through the grading plan review process.
- 5. Development of this plat will be limited to 1200 daily trips prior to construction of a second access to serve this development.
- 6. Pedestrian Facilities shall be required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots. In addition, a 10 foot bituminous pedestrian path is required along the frontage of Pinewood Road SE.
- 7. Construction of a temporary turn-around and dedication of an applicable temporary easement shall be required at the southerly extent of Phase I construction of Pinewood Ridge Drive SE.
- 8. The center islands located in Pinewood Ridge Drive SE and Dunlap Street SE shall provide at least 18 foot of roadway on both sides of the islands to facilitate emergency vehicle access.

City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

- 9. Stormwater Management is required for this Development. Any stormwater facilities serving less than 50 developable acres shall remain private and shall require the execution of a Maintenance & Ownership Agreement, and applicable Drainage and Access Easement(s). A Stormwater Management Fee shall be applicable to any areas of this property that do not drain to an approved privately constructed on-site detention facility.
- 10. A Wetland Delineation report shall be submitted to the City for review. It appears that a Wetland Replacement Plan appears to be necessary, based on the preliminary plat.
- 11. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.

Mr. Haeussinger moved to approve the Substantial Land Alteration with staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Land Subdivision Permit (Preliminary Plat) #03-24 by Big DE Development to be known as Bandel North Second. The Plat proposes to subdivide 22.91 acres of land into 55 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and allows for the continuation of Bandel Drive NW.

Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked if the grades for Overland Drive had been determined.

Mr. Svenby referred the question to the applicant's consultant.

Mr. Ward Opus, of Bigelow Enterprises, addressed the Commission. He stated that the cut and grade had been established for Overland Drive. He stated that the applicant is in agreement with the staff-recommended conditions.

Ms. Rivas asked how Lot 11 and 12 would be reached.

Mr. Opus stated that there would be a driveway access easement and that the association would be involved.

Mr. Dan Nichols, of 2695 Boulder Ridge Drive NW, Rochester MN, addressed the Commission. He indicated that his property backs up to the south end of the property. He indicated that there are a row of mature trees in that area and a drainage area. He asked if the mature trees would be torn down with the grading.

A



REQUEST FOR COUNCIL ACTION

MEETING 143

| | | DATE: 07-03-03 |
|--|-------------------------------|---------------------------------------|
| AGENDA SECTION: PUBLIC HEARINGS | ORIGINATING DEPT: PLANNING | ITEM NO. |
| ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-24 by Big DE Development to be known as Bandel North Second. The Plat proposes to subdivide 22.91 acres of land into 55 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and allows for the continuation of Bandel Drive NW. | | PREPARED BY: Theresa Fogarty, Planner |
| | | |

August 25, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on August 13, 2003 to consider this preliminary plat.

Mr. Ward Opus of Bigelow Enterprises addressed the Commission. He stated that the applicant is in agreement with the staff-recommended conditions.

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

1. The Plat shall be revised:

- a. Outlot "A" the private roadway needs to be given a designation. Coordinate the roadway name with the Planning Department GIS Division to prevent duplication of a roadway name.
- b. Correcting the face of the plat by changing "MOST NO'LY COR" to "MOST SO'LY COR" located in the upper left corner.
- c. Dedicating a 30' wide outlot mid-block connection between Lots 11 & 12 and Lots 32 and 33, Block 2. The owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for the connection, prior to dedication to the City.
- d. Dedicating controlled access along the entire frontage of both sides of Overland Drive NW, with the exception of any public road access locations approved through this plat, or the approved GDP for Hidden Oaks to the north of Overland Drive NW and along the entire frontage of Lot 16, Block 1 and Lot 39, Block 2, abutting Bandel Drive NW, and the entire frontage of Lot 1, Block 1, abutting Granite Drive NW.
- 2. Dedication of parkland shall be met via: Cash in lieu of land, as outlined in the July 25, 2003 Memorandum from the Rochester Park and Recreation Department.
- 3. Overland Drive NW and Flagstone Lane NW are less than 28 feet in width and shall be posted "No Parking" on one side of these streets. The cul-de-sac located on Flagstone Lane NW is less than 96 feet in diameter and shall be posted "No Parking".
- 4. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management / Storm Water Management District (SWMD) charges, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space / outlot(s), including Outlot A, access and extension of utilities for adjacent properties and contributions for public infrastructure.

| COUNCIL ACTION: Motion by: | Second by: | to: |
|----------------------------|------------|-----|
| | | |

- 5. Grading and Drainage Plan approval is required prior to submitting the final plat. The Owner has indicated participation in the City's Storm Water Management Plan (SWMP) and shall pay an applicable charge for the benefit of participation.
- 6. Pedestrian facilities shall be required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots.
- 7. If the City's proposed construction of Overland Drive NW precedes the recording of Bandel North Second, the Owner shall upon request by the City, dedicate by separate document the entire right-of-way, and any needed temporary construction easements needed for said construction.
- 8. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-24 by Big DE Development to be known as Bandel North Second with staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 8-0.

Mr. Burke moved to recommend approval of the Substantial Land Alteration based on the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Planning Department Recommendation:

See attached staff report, dated August 7, 2003.

Council Action Needed:

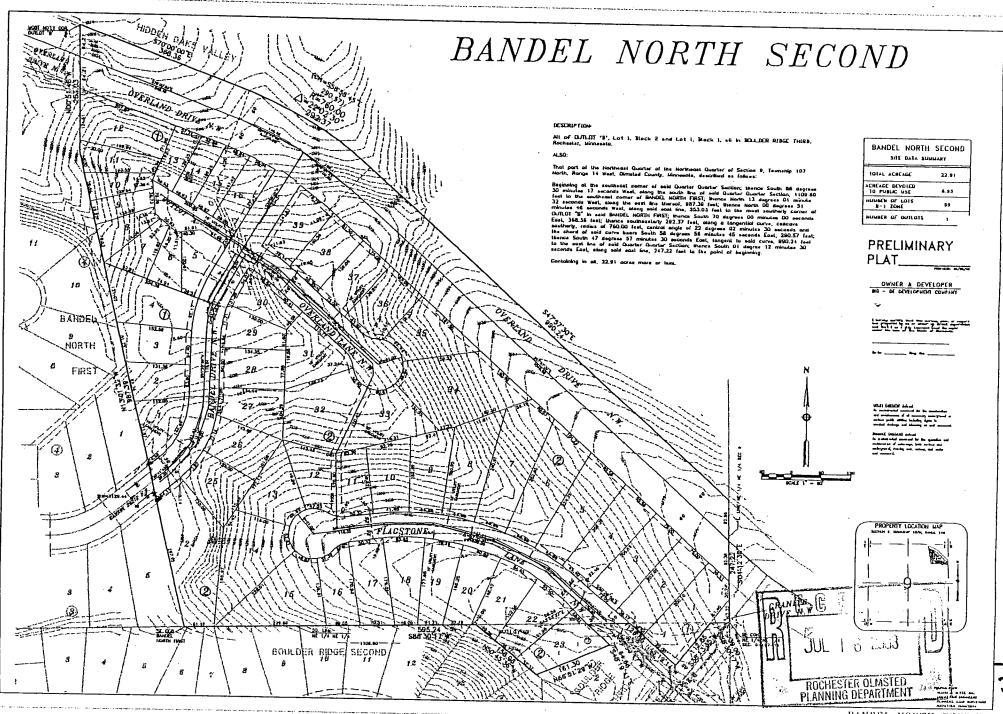
- 1. The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made.
- 2. The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.

Attachments:

- 1. Staff report, dated August 7, 2003.
- 2. Minutes of the August 13, 2003 CPZC Meeting.

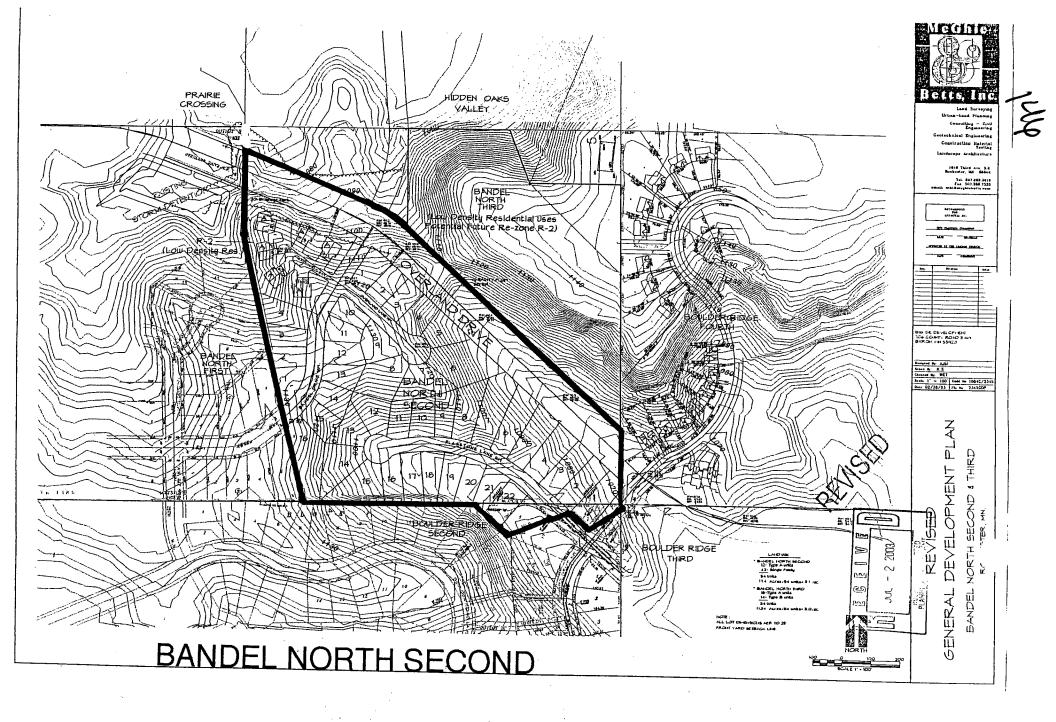
Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on <u>Wednesday</u>, September 3, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 5. McGhie & Betts, Inc.

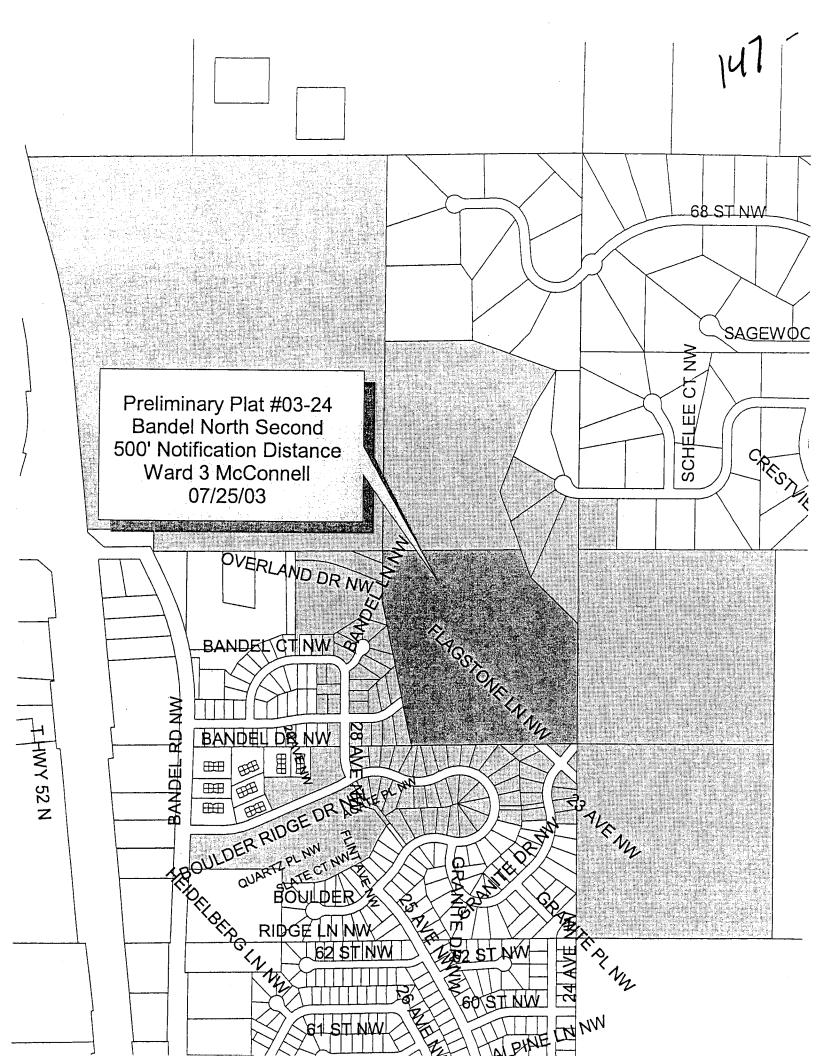


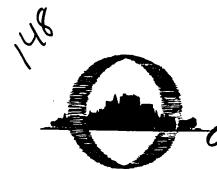
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HANDEL NORTH SECOND



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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE. Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE:

August 7, 2003

RE:

Land Subdivision Permit (Preliminary Plat) #03-24 by Big De Development to be known as Bandel North Second. The Plat proposes to subdivide 22.91 acres of land into 55 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located east of the Bandel North

First Subdivision and north of the Boulder Ridge Second

Subdivision and allows for the continuation of Bandel Drive NW.

Planning Department Review:

Applicant/Owner:

Big De Development 706 County Road 3 NW

Byron, MN 55920

Surveyors/Engineers:

McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904

Referral Comments:

RPU Water Division

Park and Rec. Department

Rochester Public Works Department Planning Department - Addressing staff

Rochester Fire Department

Report Attachments:

1. Land Development Manual Excerpts

2. Referral Comments (5 letters)

3. Location Map

4. Copy of Preliminary Plat 5. General Development Plan

6. Memo from McGhie & Betts, dated July 15, 2003.

7. Copy of Substantial Land Alternation Map

Development Review:

Zoning:

The property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.



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Roadways:

This plat proposes to dedicate right-of-way for six roadways.

Outlot "A" the private roadway in this plat needs to be given a designation. Coordinate the roadway name with the Planning Department – GIS Division to prevent duplication of a roadway name.

Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posted "No Parking" on both sides of the street. "Overland Lane NW" and "Flagstone Lane NW" are less than 36 feet in width and shall be posted "No Parking" on one side of these streets.

Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking". The cul-de-sac located on "Flagstone Lane NW" is less than 96 feet in diameter and shall be posted "No Parking".

Controlled access shall be dedicated along the entire frontage of both sides of Overland Drive NW, with the exception of any public road access locations approved through this plat, or the approved GDP for Hidden Oaks Valley to the north of Overland Drive NW. Additional controlled access shall be dedicated along the entire frontage of Lot 16, Block 1 and Lot 39, Block 2, abutting Bandel Drive NW, and the entire frontage of Lot 1, Block 2, abutting Granite Drive NW.

If the City's proposed construction of Overland Drive NW precedes the recording of Bandel North Second, the Owner shall upon request by the City, dedicate by separate document the entire right-of-way, and any needed temporary construction easements needed for said construction.

In accordance with current City policy Pedestrian Facilities are required, at the applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots.

As stated in the approved General Development Plan: "At the time of platting, a mid-block pedestrian connection shall be provided between the two cul-desac bulbs, if determined feasible based on proposed subdivision grading". Staff is suggesting that a mid-block connection be placed within the easement located between Lots 11 & 12 and Lots 32 & 33, Block 2, widened to 30' feet and identified as an Outlot and deeded to the City.

Pedestrian Facilities:



Page 3 Preliminary Plat #03-24 Bandel North Second August 7, 2003

Drainage:

Grading and Drainage Plan approved is required prior

to submitting the final plat.

The property generally drains to the northwest.

The Owner has indicated participation in the City's Storm Water Management Plan and shall pay an applicable charge for the benefit of participation.

Wetlands:

Minnesota Statutes now requires that all developments

be reviewed for the presence of wetlands or hydric

soils.

The Soils Survey does not indicate hydric soils within

this Plat.

Public Utilities:

Static water pressures within this area will range from

63 to 89 PSI. The builders must install pressurereducing devices near the domestic water meters, as

required by the Minnesota Plumbing Code.

An 8" water main must be extended across the future Overland Drive NW at the intersection of Bandel Drive

NW to properly serve the area to the north.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 66 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as

well.

Parkland Dedication:

The City Park and Recreation Department

recommends that dedication requirements be met via:

Cash in lieu and land with payment due prior to

recordation of the final plat.

General Development Plan:

This property is included within the approved Bandel

North Second and Third General Development Plan

(GDP).

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, B of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a preliminary plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

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Page 4 Preliminary Plat #03-24 Bandel North Second August 7, 2003

This development includes a proposal for fill work which involves a grade change of 10-feet or more from the pre-existing grades.. The approximate area where the grade is proposed to be changed are, Block 1, Lots 4 &5, 16 and Block 2, Lots 9 & 10, 26-39 will be cut and Block 2, Lots 15 –21, will be filled. The maximum fill will be approximately 16 feet and the maximum cut will be approximately 20 feet.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:

62.1105

- The activity should not result in danger to life or property. Generally, the slopes will be regarded, to be suitable for residential uses. The grading and drainage plans will need to comply with City standards and be approved by the Rochester Public Works Department.
- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All fill material exists on site and will be used to level the slopes within this plat to more suitable grades for residential uses. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All materials will stay on-site, it will not be necessary to truck in fill or haul fill from the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. There will not be any steep slopes or exposed rock faces. The natural topography of the area is being re-graded to provide adequate slopes for residential uses.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the land use plan.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed in one phase, taking approximately 12 weeks.
- 8) The grading will only take place during one phase, taking approximately 12 weeks. There are are homes in the immediate area that will be visually affected by the grading activity, but only for a short time. Noise and dust control will need to comply with City standards.
- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.



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- 11) The areas of grading do not contain sinkholes or wetlands and should not effect to the ground water or surface quality once restoration and stabilization is completed.
- 12) The grading work is expected to be completed in one phase, taking approximately 12 weeks. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.
- 15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Preliminary Plat Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. A Development Agreement has been executed with the City, therefore the staff recommends approval with the following conditions / modifications:

1. The Plat shall be revised:

a. Outlot "A" the private roadway need to be given a designation. Coordinate the roadway name with the Planning Department – GIS Division to prevent duplication of a roadway name. Page 6 Preliminary Plat #03-24 Bandel North Second August 7, 2003



- b. Correcting the face of plat by changing "MOST NO'LY COR" to "MOST SO'LY COR" located in the upper left corner.
- c. Dedicating a 30' wide outlot mid-block connection between Lots 11 & 12 and Lots 32 & 33, Block 2. The owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for the connection, prior to dedication to the City.
- d. Dedicating controlled access along the entire frontage of both sides of Overland Drive NW, with the exception of any public road access locations approved through this plat, or the approved GDP for Hidden Oaks to the north of Overland Drive NW and along the entire frontage of Lots 16, Block 1 and Lot 39, Block 2, abutting Bandel Drive NW, and the entire frontage of Lot 1, Block 1, abutting Granite Drive NW.
- 2. Dedication of parkland shall be met via: Cash in lieu of land, as outlined in the July 25, 2003 Memorandum from the Rochester Park and Recreation Department.
- 3. Overland Lane NW and Flagstone Lane NW are less than 28 feet in width and shall be posted "No Parking: on one side of these streets. The cul-de-sac located on Flagstone Lane NW is less than 96 feet in diameter and shall be posted "No Parking".
- 4. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic Improvement District charges, stormwater management / Storm Water Management District (SWMC) charges, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space / outlot(s), including Outlot A, access and extension of utilities for adjacent properties and contributions for public infrastructure.
- 5. Grading and Drainage Plan approval is required prior to submitting the final plat.
 The Owner has indicated participation in the City's Storm Water Management Plan
 (SWMP) and shall pay an applicable charge for the benefit of participation.
- 6. Pedestrian Facilities shall be required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots.
- 7. If the City's proposed construction of Overland Drive NW precedes the recording of Bandel North Second, the Owner shall upon request by the City, dedicate by separate document the entire right-of-way, and any needed temporary construction easements needed for said construction.
- 8. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.



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Reminder to Applicant:

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.
- This Plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.

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CITY OF ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.



Page 9 Preliminary Plat #03-24 Bandel North Second August 7, 2003

- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

Effective May 15, 1999

Page 10 Preliminary Plat #03-24 Bandel North Second August 7, 2003

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Land Development Manual Excerpts Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
- a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
- b) Stormwater management facilities or other public infrastructure approved by the City.
- c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
- d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
- e) On-going cemetery (burial) operations.
- f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
- g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if <u>all</u> of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out.
- The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;



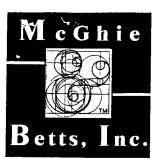
Page 11 Preliminary Plat #03-24 Bandel North Second August 7, 2003

- 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
- 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreation uses, existing or planned development, public facilities, open space resources and other natural resources;
- 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
- 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
- 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
- 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
- 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
- 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
- 13) Permanent and interim erosion and sediment control plans have been approved by the City;
- 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies;
- 15) The proposed activity complies with the requirements of the adopted building code.
- 61.146 Standards for Conditional Uses: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.

Page 12 Preliminary Plat #03-24 Bandel North Second August 7, 2003



- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 61.147 Conditions on Approval: In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.





July 15, 2003

RE:

Rochester Minnesota

Mr. Brent Svenby Consolidated Planning Department 2122 Campus Drive Rochester, MN 55904

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

Dear Mr. Svenby:

Section 62.1101 of the Rochester Land Development Manual and Zoning Ordinance contains new standards for substantial land alteration projects. The grading of the Bandel North Second site will result in exceeding a 10-foot vertical cut and/or fill over various portions of the site. This project meets the definition of Section 62.1101.2.a.1(d) where the cut/fill involves a grade change of 10-feet or more from the pre-existing grades. The enclosed preliminary plat indicates the cut and fill areas on the site. The maximum fill would be approximately 16 feet and the maximum cut would be approximately 20 feet.

Exemption from Section 62.1101.2 (a) for Bandel North Second Subdivision

Section 62.1102.1.F provides for an exemption provided there are sufficient findings made as contained in 62.1105. The following are suggested findings in support of the request:

Section 62.1105(1-15).

- The activity necessary to grade the portions in excess of 10-foot vertical cut/fill will not result in unstable slopes or unsafe access. The slopes on the site will be a maximum of 3:1 and a portion of the grading would involve cuts or fills in excess of 10'.
- 2. The environmental impacts of grading on this site to adjacent properties will be minimal.
- 3. There is access to the site from the west and east. It will not be necessary to truck in fill or haul fill off of the site, which will minimize the impact on the surrounding roads.
- 4. The additional grading will not adversely affect air quality, the ground water, or surface water quality.
- 5. The natural topography of the area will be re-graded to provide adequate slopes for single – family dwellings for this development and the overall scenic quality will be maintained.

The grading is compatible with the proposed adjacement adjacement and adjacement 6.

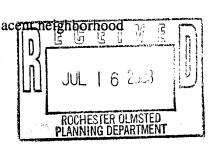
developments.

1648 Third Avenue S.E. Rochester, MN 55904

> Tel. 507 289 3919 Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946





- 7. The grading will be confined to the Bandel North Second site, and will not unduly affect the use and enjoyment of adjacent properties.
- 8. The grading activity will take place in one phase taking approximately 12 weeks. There are homes in the immediate area that will be visually affected by the grading activity for only a short time during the grading process.
- 9. The grading plan will provide for proper restoration stabilization in accordance with the codes for the City of Rochester.
- 10. The grading will not result in negative impacts on the drainage patterns. The grading of the site is such that run-off is directed to appropriate locations in the street and handled through the City storm water plan.
- 11. The area of grading does not contain sinkholes and will not affect the groundwater or the subsurface water quality once restoration and stabilization is completed. The existing wetlands are proposed to be replaced on-site.
- 12. The grading of the site will take place in one phase taking approximately 12 weeks. This time frame is appropriate for the size and location of this activity.
- 13. Permanent and interim (during construction) erosion/sedimentation control will be provided for in the grading plan. The city will review and approve this city/owner contract.
- 14. A performance and payment bond is required for all work associated with the construction of the public improvements. This bond will be submitted with the city/owner contract.
- 15. This development will comply with the standards in the Land Development Manual and on file with Public Works.

Very truly yours,

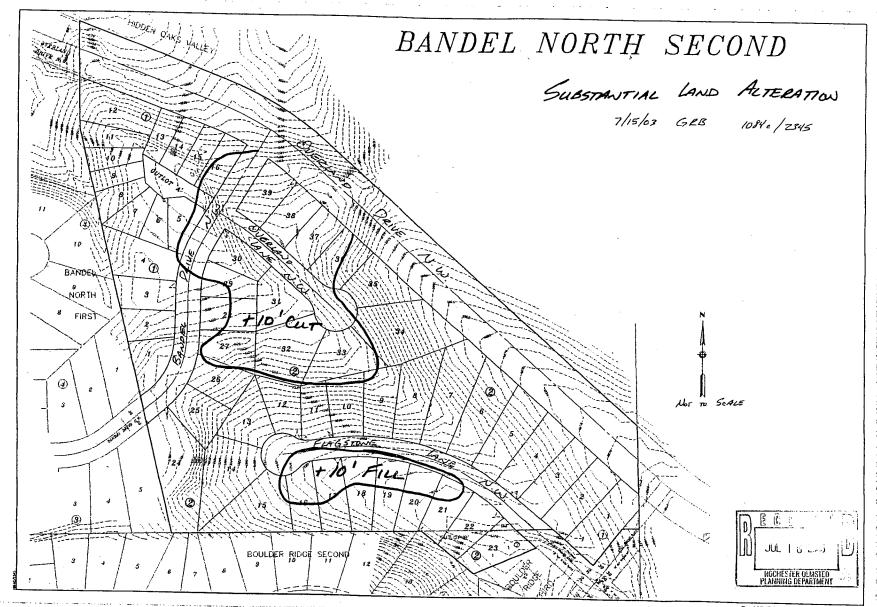
McGHIE & BETTS INC.

Gregory R. Bond

GRB/bd

pc: Ward Opitz





BANDEL NORTH SECOND





August 1, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-24 by Big DE Development to be known as Bandel North Second.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

- 1. Approximate static water pressures within this area will range from 63 PSI to 89 PSI. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code (buildings where the MFF is at or below elevation 1100).
- 2. An 8" water main must be extended across the future Overland Drive NW at the intersection of Bandel Drive NW to properly serve the area to the north.
- 3. Other minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
McGhie & Betts, Inc.
Big DE Development



ROCHESTER PARK AND L_CREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

July 25, 2003

TO:

Jennifer Garness

Planning

RE:

Bandel North 2nd

Preliminary Plat # 03-24

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.

Big De Development 706 County Road 3 NW Byron MN 55920

165

ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 8/6/03

The Department of Public Works has reviewed the application for <u>Preliminary Plat #03-24 & Substantial Land Alteration</u> for the proposed <u>Bandel North Second</u> development. The following are Public Works comments on this request:

- 1. Unless surety for Substantial Land Alteration restoration is specifically included in the Contractor's Bonds for the City-Owner Contract for this project, the Owner will be required to provide separate surety in an amount and in a form acceptable to the City Engineer, prior to Grading Plan approval.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction / TID charges, stormwater management / Storm Water Management District (SWMD) charges, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space / outlot(s), access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. The Owner has indicated that it wishes to participate in the City's Storm Water Management Plan (SWMP) and pay an applicable charge for the benefit of participation.
- 4. Outlot 'A' shall remain private, and ownership and maintenance will be addressed in the Development Agreement.
- 5. Pedestrian facilities will be required, at the Applicant's expense, along both sides of all new public roads within this property, including the public road frontage along any Outlots.
- 6. Execution of a City-Owner Contract is required prior to Construction of public infrastructure to serve this development.



ROCHESTER

-- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

- 7. If the City's proposed construction of Overland Drive NW precedes the recording of Bandel North Second, the Owner shall upon request by the City, dedicate by separate document the entire right-of-way, and any needed temporary construction easements needed for said construction.
- 8. Controlled access shall be dedicated along the entire frontage of both sides of Overland Drive NW, with the exception of any public road access locations approved through this plat, or the approved GDP for Hidden Oaks Valley to the north of Overland Dr NW. Additional controlled access shall be dedicated along the entire frontage of Lot 16, Block 1, and Lot 39, Block 2, abutting Bandel Dr NW, and the entire frontage of Lot 1, Block 2, abutting Granite Dr NW.
- 9. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
- Charges/fees applicable to the development of this property will be addressed in the Development Agreement.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

July 28, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

McGhie & Betts Inc.

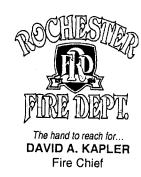
RE:

BANDEL NORTH SECOND PRELIMINARY PLAT #03-24

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

NOTE: Outlot "A" or the private roadway in this plat needs to be given a designation. Coordinate the roadway name with our staff so duplication doesn't occur.





DATE: July 28, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Rochester Fire Department

SUBJ:

Land Subdivision Permit (Preliminary Plat) #03-24 by Big DE Development to be known

as Bandel North Second.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

- 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posted "No Parking" on both sides of the street. Overland Lane NW and Flagstone Lane NW shall be posted "No Parking" on one side of these streets.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking". The Cul-de-sac located on Flagstone Lane NW is less than 96 feet in diameter and shall be posted "No Parking".
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division Mark Baker, Rochester Public Works. Big De Development McGhie & Betts, Inc City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

9. Stormwater Management is required for this Development. Any stormwater facilities serving less than 50 developable acres shall remain private and shall require the execution of a Maintenance & Ownership Agreement, and applicable Drainage and Access Easement(s). A Stormwater Management Fee shall be applicable to any areas of this property that do not drain to an approved privately constructed on-site detention facility.

- 10. A Wetland Delineation report shall be submitted to the City for review. It appears that a Wetland Replacement Plan appears to be necessary, based on the preliminary plat.
- 11. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.

Mr. Haeussinger moved to approve the Substantial Land Alteration with staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Land Subdivision Permit (Preliminary Plat) #03-24 by Big DE Development to be known as Bandel North Second. The Plat proposes to subdivide 22.91 acres of land into 55 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and allows for the continuation of Bandel Drive NW.



Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked if the grades for Overland Drive had been determined.

Mr. Svenby referred the question to the applicant's consultant.

Mr. Ward Opus, of Bigelow Enterprises, addressed the Commission. He stated that the cut and grade had been established for Overland Drive. He stated that the applicant is in agreement with the staff-recommended conditions.

Ms. Rivas asked how Lot 11 and 12 would be reached.

Mr. Opus stated that there would be a driveway access easement and that the association would be involved.

Mr. Dan Nichols, of 2695 Boulder Ridge Drive NW, Rochester MN, addressed the Commission. He indicated that his property backs up to the south end of the property. He indicated that there are a row of mature trees in that area and a drainage area. He asked if the mature trees would be torn down with the grading.



Page 6

City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

Mr. Opus responded that they hadn't designed the grading plan but were going to save as many trees as possible. He indicated that he did not think that the grading would reach the very south end of the property, where the trees are located.

Mr. Nichols expressed concern with the natural grade along the mature trees, where some drainage occurs.

Mr. Opus and Mr. Nichols discussed where the trees were located and drainage.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-24 by Big DE Development to be known as Bandel North Second with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. The Plat shall be revised:
 - Outlot "A" the private roadway need to be given a designation. Coordinate the roadway name with the Planning Department – GIS Division to prevent duplication of a roadway name.
 - b. Correcting the face of plat by changing "MOST NO'LY COR" to "MOST SO'LY COR" located in the upper left corner.
 - c. Dedicating a 30' wide outlot mid-block connection between Lots 11 & 12 and Lots 32 & 33, Block 2. The owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for the connection, prior to dedication to the City.
 - d. Dedicating controlled access along the entire frontage of both sides of Overland Drive NW, with the exception of any public road access locations approved through this plat, or the approved GDP for Hidden Oaks to the north of Overland Drive NW and along the entire frontage of Lots 16, Block 1 and Lot 39, Block 2, abutting Bandel Drive NW, and the entire frontage of Lot 1, Block 1, abutting Granite Drive NW.
- Dedication of parkland shall be met via: Cash in lieu of land, as outlined in the July 25, 2003 Memorandum from the Rochester Park and Recreation Department.
- Overland Lane NW and Flagstone Lane NW are less than 28 feet in width and shall be posted "No Parking: on one side of these streets. The cul-de-sac located on Flagstone Lane NW is less than 96 feet in diameter and shall be posted "No Parking".
- 4. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Traffic

Hearing Date: August 13, 2003



Improvement District charges, stormwater management / Storm Water Management District (SWMD) charges, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, ownership & maintenance of open space / outlot(s), including Outlot A, access and extension of utilities for adjacent properties and contributions for public infrastructure.

- 5. Grading and Drainage Plan approval is required prior to submitting the final plat. The Owner has indicated participation in the City's Storm Water Management Plan (SWMP) and shall pay an applicable charge for the benefit of participation.
- 6. Pedestrian Facilities shall be required, at the Applicant's expense, along both sides of all new public roadways within this property, including the public road frontage along any Outlots.
- 7. If the City's proposed construction of Overland Drive NW precedes the recording of Bandel North Second, the Owner shall upon request by the City, dedicate by separate document the entire right-of-way, and any needed temporary construction easements needed for said construction.
- 8. The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.

Mr. Burke moved to recommend approval of the Substantial Land Alteration with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Type III, Phase II Incentive Development Preliminary Plan #03-44 and Variance #03-17, by Holy Anargyroi Greek Orthodox Church to permit the construction of a church and the renovation of the existing church. The applicant is also request a number of variances relating to setbacks, parking, landscape area and building height. The property is located on the west side of 7th Avenue NW and along the north side of West Center Street.

Mr. Brent Svenby presented the staff report, dated August 8, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby discussed the parking agreements with Dr. Lund and Lourdes High School for an additional 55 spaces at each location.

Mr. Svenby recommended striking condition number 4, as the information was submitted by the consultant.

- Mr. Staver asked what the required parking would be.
- Mr. Svenby responded 70 spaces.
- Mr. Haeussinger asked if the parking agreements are only for Sundays.

Mr. Svenby responded yes. He indicated that there would be 16 spaces on their site and parking on street is available during the week.

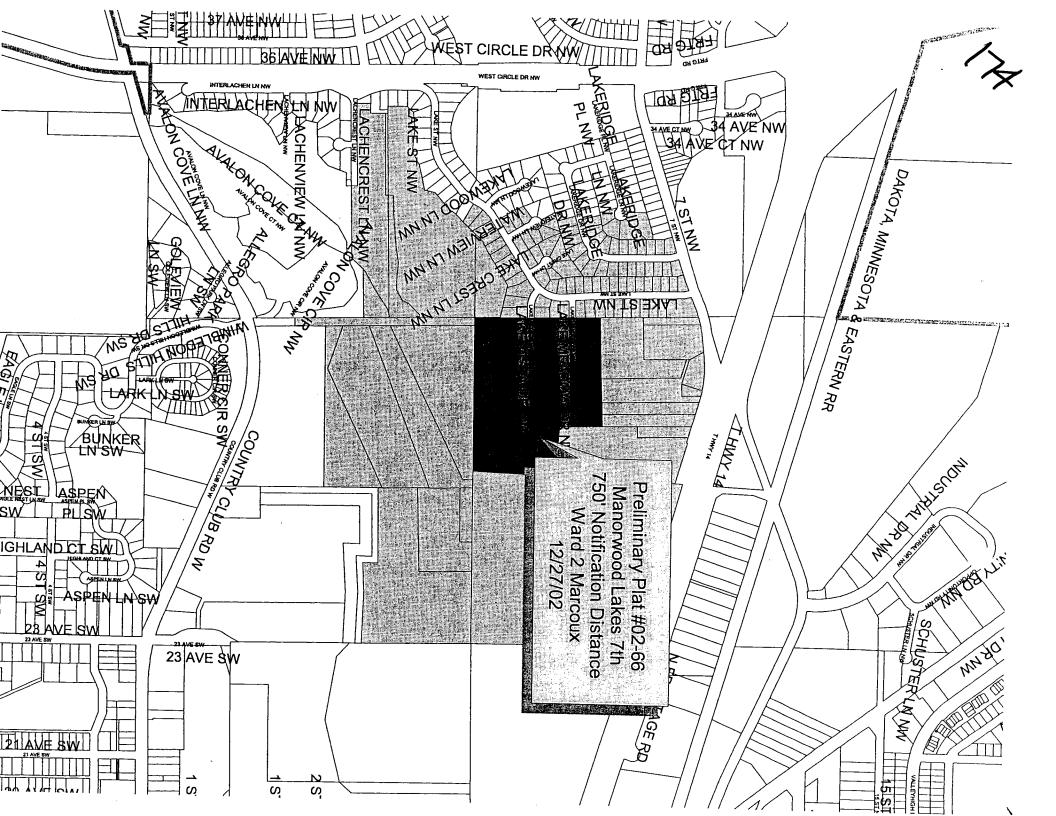


REQUEST FOR COUNCIL ACTION

MEETING

DATE: 9-03-03 AGENDA SECTION: ORIGINATING DEPT: ITEM NO. PUBLIC HEARINGS PLANNING ITEM DESCRIPTION: Final Plat #02-66 by Western Walls Inc. to be known as Manorwood PREPARED BY: Lakes Seventh Brent Svenby, Planner August 28, 2003 Planning Department Review: See attached staff report dated August 28, 2003 recommending approval subject to the following modifications / conditions: 1. The final plat shall be revised to indicate the 100-year flood and floodway boundaries as indicated on the Flood Insurance Rate Map numbers 27109C0142E and 27109C144E. The final plat shall be revised to dedicate a drainage easement over the entire area within the floodway and the 100-year flood plain. 3. Prior to any grading activity occurring in the areas within the 100-year flood plain or the floodway, the applicant must receive a conditional use permit for said activity. 4. The owner shall dedicate Outlots B and C to the City of Rochester. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department - GIS Division. 6. Parkland dedication for the plat shall be in the form of land per the attached memo from Rochester Park and Recreation Department, dated August 19, 2003. 7. Pedestrian Facilities shall be constructed, at the Developer's expense, along both sides of all new public roadways, within this development, including the frontage along Outlot 'B'. 8. If the applicant intends to grade the immediate area next to the creek, a wetland delineation shall be completed prior to any grading activity occurring on the property. Council Action Needed: 1. A resolution approving the plat can be adopted. **Distribution:** 1. City Administrator 2. City Attorney 3. Planning Department File 4. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday, September 3, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by:______ to:

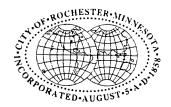






COUNTY OF

www.olmstedcounty.com/planning



Rochester Common Council

FROM: Brent Svenby, Planner

DATE: August 28, 2003

RE: Final Plat #02-66 to be known as Manorwood Lakes Seventh

Planning Department Review:

Applicant/Owner:

Western Walls, Inc. 604 NW 11th Avenue Rochester, MN 55901

Surveyors/Engineers:

McGhie & Betts Attn. Josh Johnson 1648 Third Avenue SE Rochester, MN 55904

Referral Comments:

RPU Water Division
 RPU Operations Division

2. RPU Operations Division

Planning Department – Addressing
 Planning Department - Wetlands
 Rochester Public Works Department
 Park and Recreation Department

7. MnDOT

Report Attachments:

1. Referral Comments 4 Letters)

Location Map
 Copy of Final Plat

Plat Data:

Location of Property:

The property is located adjacent on the east to Manorwood Lake 5th & 6th Subdivisions at the present termini of Lake Meadow Drive NW and Lake Vista Drive NW.

Zoning:

The property is zoned R-1 (Mixed Single Family Residential) district on the City of Rochester Zoning Map.

Proposed Development:

This development consists of 27.10 acres of land to be subdivided into 50 single-family home lots and 4

outlots.

Roadways:

This plat proposes to dedicate right-of-way for three

new roadways.



Page 2 Manorwood Lakes Seventh August 28, 2003

Pedestrian Facilities:

Wetlands:



The first roadway labeled as "Lake Meadow Drive NW" is a continuation from the west and is designed with a 56' right-of-way.

The second roadway labeled as "Lake Vista Drive NW" is a continuation from the west and is designed with a 56' right-of-way.

The third roadway labeled as "Lake Meadow Drive NW" is designed with a 56'right-of-way.

Pedestrian Facilities shall be required, at the

Developer's expense, along both sides of all new public roads within this development, including the

frontage along Outlot 'B'.

The Soil Survey and National Wetland Indicator maps

were reviewed for the presence of wetlands. Hydric soils existed on this site prior to the mining operation disturbances. There is the potential that there is residual wetland area along the creek on the north and eastern sides of this plat. If the applicant intends to grade the immediate area next to the creek, then a

wetland delineation must be completed.

General Development Plan: This property is included within the Manorwood Lakes

General Development Plan, revised in September, 2002. This plat is generally consistent with the

amended GDP.

Preliminary Plat:

A preliminary plat for this area was approved by the Council on February 21, 2003. The approval of the preliminary plat was subject to ten (10) conditions: The conditions are listed below:

- 1. The Plat shall be revised, prior to the Council meeting to include:
 - a. Provide a minimum 30' wide access along Outlot 'B' from Lake Vista Drive NW.
 - b. Provide a minimum 20' utility easement between Lots 7 & 8, Block 1, for a future planned 8" water main loop. An 8" water main must be stubbed out of the street area at this time to accommodate the future loop.
 - c. Drainage or flowage easements over the floodway and the 100 year flood plain areas shall be addressed in the development agreement.
 - d. Provide an access to the outlot over the creek corridor with sufficient width to permit adequate access to accommodate waterway maintenance activities and an additional access to the Outlot from the public road. Specific access locations shall be determined in the development agreement.

Page 3 Manorwood Lakes Seventh August 28, 2003

- 2. The applicant has met the parkland dedication requirements via: Lot 8 Grandville at Cascade Lake. Ownership of outlots A, B, and C shall be addressed in the development agreement.
- 3. An additional fire hydrant shall be provided along the frontages of Lots 8 or 9 on Lake Meadow Drive NW.
- 4. The sedimentation basin indicated on the GDP shall not be located on Outlot B.
- 5. If the applicant intends to grade the immediate area next to the creek, a wetland delineation shall be completed.
- 6. Pedestrian Facilities shall be constructed, at the Developer's expense, along both sides of all new public roadways, within this development, including the frontage along Outlot 'B'.
- 7. The applicant shall provide On-site Storm Water Management for this development. Drainage and specific Storm Water Management facilities being proposed for this development shall be reviewed separately, as submittal of drainage information by the Owner. On-site detention facilities serving less than 50 developable acres will remain private. Execution of an Ownership & Maintenance Declaration Agreement shall be required, as well as, dedication of access & drainage easements for private detention facilities.
- 8. The applicant shall enter into a development agreement with the City that outlines the obligations of the applicant relating to, but not limited to; stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, and contributions for public infrastructure.

Final Plat:

Planning Staff Recommendation:

The Planning Staff has reviewed the submitted final plat and would recommend approval subject to the following conditions:

- 1. The final plat shall be revised to indicate the 100-year flood and floodway boundaries as indicated on the Flood Insurance Rate Map numbers 27109C0142E and 27109C144E.
- 2. The final plat shall be revised to dedicate a drainage easement over the entire area within the floodway and the 100-year flood plain.
- 3. Prior to any grading activity occurring in the areas within the 100-year flood plain or the floodway, the applicant must receive a conditional use permit for said activity.
- 4. The owner shall dedicate Outlots B and C to the City of Rochester.
- 5. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.

Page 4 Manorwood Lakes Seventh August 28, 2003



- 6. Parkland dedication for the plat shall be in the form of land per the attached memo from Rochester Park and Recreation Department, dated August 19, 2003.
- 7. Pedestrian Facilities shall be constructed, at the Developer's expense, along both sides of all new public roadways, within this development, including the frontage along Outlot 'B'.
- 8. If the applicant intends to grade the immediate area next to the creek, a wetland delineation shall be completed prior to any grading activity occurring on the property.



ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 8/25/03

The Department of Public Works has reviewed the application for <u>FP#02-66</u>, for the proposed <u>Manorwood Lakes Seventh</u> development. The following are Public Works comments on the proposal:

- 1. A Development Agreement has been executed for this proposed development.
- 2. As specified in Development Agreement, a drainage easement shall be dedicated over the entire area within the floodway, and area remaining within the 100 year flood plain after grading.
- 3. Prior to development of this property, a City-Owner Contract must be executed to address the construction of all public infrastructure and utilities to serve this subdivision.

Charges/fees applicable to the development of this property are addressed in the Development Agreement and will include (rates below are current 8/1/03 through 7/31/04):

- ❖ Sanitary Sewer Availability Charge (SAC) @ \$1,851.12 per developable acre.
- ❖ Water Tower Charge for J8067 @ \$159.6993 per developable acre.
- Storm Water Management, for any areas that do not drain to an on-site detention facility @ \$2,286.96 per developable acre
- * Traffic Signs as determined by the City of Rochester Traffic Division.
- First Seal Coat @ \$0.51 per square yard of public street surface.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

August 19, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald;

RE:

MANORWOOD LAKES SEVENTH

FINAL PLAT #02-66

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:

\$1000.00 (50 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$ 470.00 (54 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of <u>MANORWOOD LAKES SEVENTH</u> the GIS / Addressing staff has found no issues to bring forth at this time.





ROCHESTER PARK AND RECREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

August 19, 2003

TO:

Jennifer Garness

Planning

RE:

Manorwoods Lakes 7th

Final Plat #02-66

| Acreage of plat | 27.10 a |
|---------------------------|----------|
| Number of dwelling units | 50 units |
| Density factor | .0244 |
| Dedication | 1.22 a |
| Fair market value of land | na |

The Park and Recreation Department recommends that dedication requirements be met via: Lot 8 Grandville at Cascade Lake plus the dedication Outlot B of Manorwoods Lakes 7th.

The applicant to be extended .30 acres of parkland dedication credit for the dedication of Outlot B . The credit can be used to meet future NW quadrant dedication requirements.

The applicant should be required to grade Outlot B and establish turf prior to deeding to the City. Outlot B to be deeded to the City when the outlot is accessed via public street or when the City wishes to begin development of the property.

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Manor Wood Lakes 7th

| | A condition of approval of the preliminary plat stated that prior to filling or draining in the immediate area next to the creek, a wetland delineation shall be completed. At this time no delineation has been completed. |
|-------------|---|
| \boxtimes | Other or Explanation: |
| | No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands. |
| | A wetland related application has been approved by the City. This plan incorporates the approved wetland plan. |
| | A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department. |
| | A wetland delineation has been carried out for the property and is on file with the Planning Department. |
| | Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application. |
| | No hydric soils exist on the site based on the Soil Survey |
| | |



REQUEST FOR COUNCIL ACTION

MEETING 09-03-03

ITEM NO.

185

| AGEN | IDA SECTION: | • |
|------|----------------|---|
| | PUBLIC HEARING | |

ORIGINATING DEPT: PLANNING

PREPARED BY:
Theresa Fogarty,

Planner

ITEM DESCRIPTION: Final Plat #03-27 by Edward Becker to be known as Dooley's Subdivision. The applicant is proposing to re-subdivide Lot 3, Block 1, Eastgate Commercial Park First Subdivision into 2 lots for development. The property is located along the south side of T.H. 14, north of Eastgate Drive SE and is the property where the NAPA Auto Parts Store is located.

August 28, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. Prior to recording the Final Plat, the plat shall be revised:
 - a. Extending the existing private sewer and water easement to Lot 2, Block 1 along the alignment of the proposed water service to provide for future maintenance.
 - b. Dedicating a 10' wide pedestrian facility easement along the entire frontage of the property abutting T.H.14.
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.
- 3. Execution of a City-Owner Contract and dedication of applicable public utility easement(s) is required, if the extension of public watermain and/or the addition of hydrant(s) is required for this project.
- 4. At the time of Site Plan Development Review, Grading and Drainage approval is required prior to development to the vacant proposed Lot 1, Block 1. A Storm Water Management charge will be applicable to the development of Lot 1, or redevelopment of Lot 2, for any increase in impervious surface, if on-site detention is not provided. In addition, the condition of the existing sidewalk along Eastgate Drive SE shall be reviewed by Public Works staff and any needed repairs, or panel replacement, shall be done concurrent with development of proposed Lot 1, Block 1.
- There is no record of this property previously paying Water Availability Charge (WAC). Individual lot development / redevelopment is subject to a WAC charge prior to the issuance of utility connection permit(s).
- 6. The private driveway easement must be extended to serve Lot 2, Block 1. Said easement must be recorded concurrent with the final plat documents.

Council Action Needed:

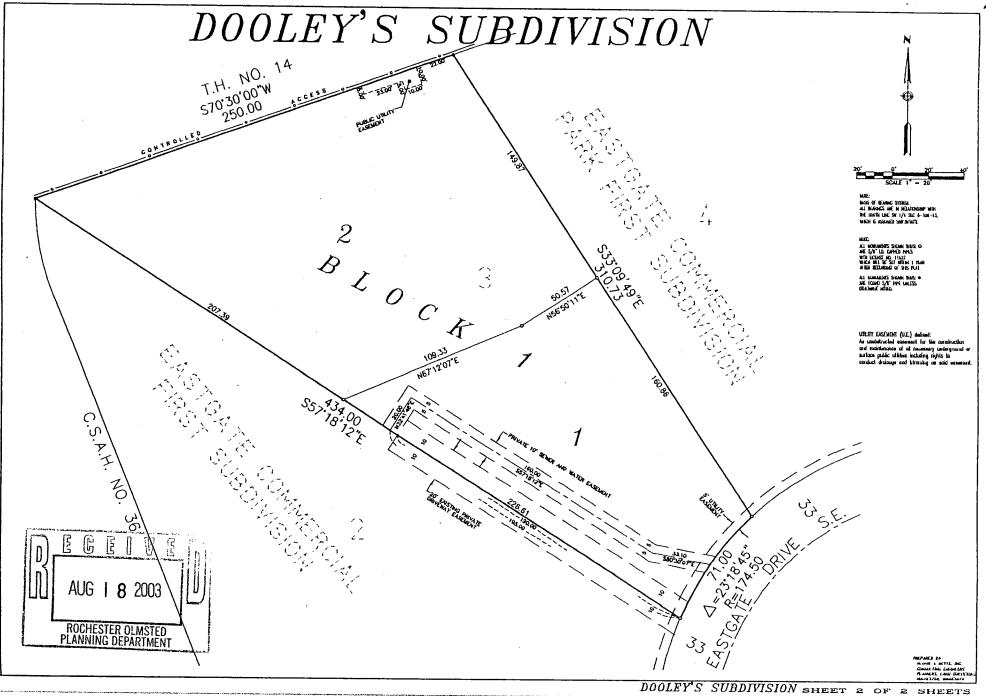
1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

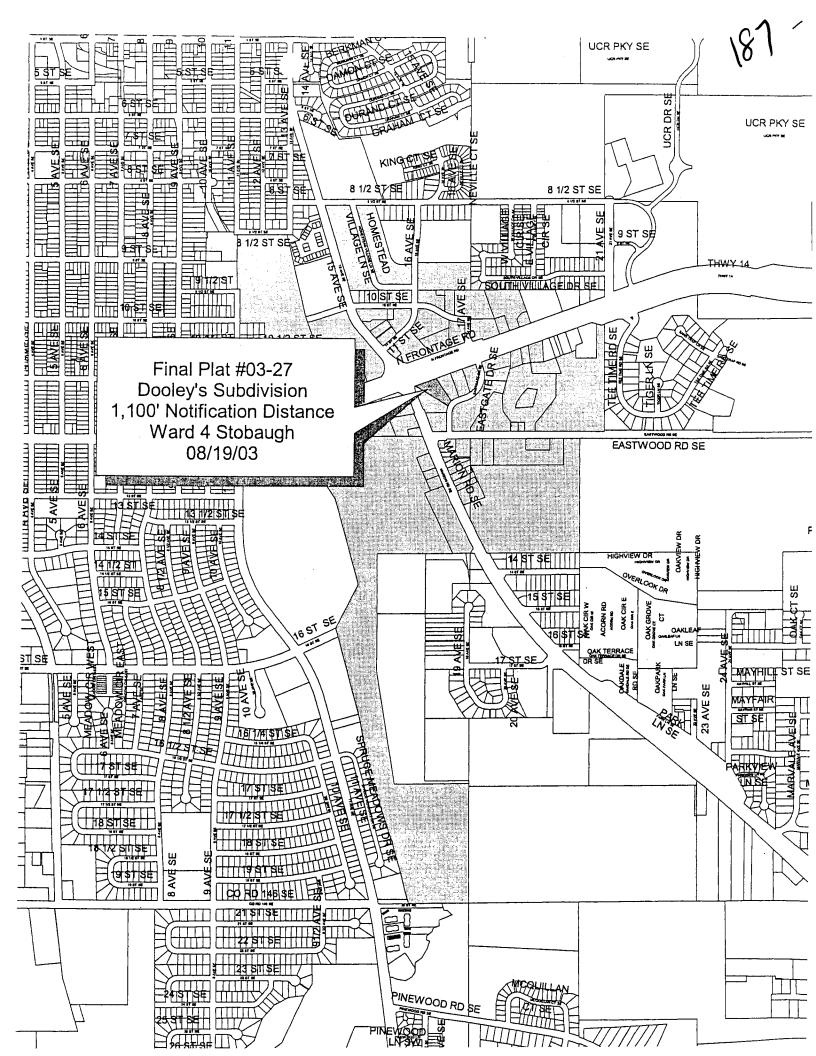
Attachment:

1. Staff Report, dated August 28, 2003.

| COUNCIL ACTION: Motion by | : Second | by: | _ to: |
|---------------------------|----------|-----|-------|
| | | | |











2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester Common Council

FROM:

Theresa Fogarty, Planner

DATE:

August 28, 2003

RE:

Final Plat #03-27 by Edward Becker to be known as Dooley's Subdivision. The applicant is proposing to re-subdivide Lot 3, Block 1, Eastgate Commercial Park First Subdivision into 2 lots for development. The property is located along the south side of T.H. 14, north of Eastgate Drive SE and is the property where the NAPA

Auto Parts Store is located.

Planning Department Review:

Applicant/Owner:

Edward Becker

NAPA Auto Parts of Rochester 1225 Eastgate Drive SE Rochester, MN 55904

Surveyors/Engineers:

McGhie & Betts

1648 Third Avenue SE Rochester, MN 55901

Referral Comments:

1. Rochester Public Works Department

2. Rochester Public Utilities - Water Division

3. Planning Department – Addressing

4. MN Department of Transportation

Report Attachments:

1. Referral Comments (4 Letters)

2. Copy of Final Plat

3. Location Map

Plat Data:

Location of Property:

This plat is located along the south side of T.H. 14, north of Eastgate Drive SE and is the property where

the NAPA Auto Parts Store is located.

Zoning:

The property is zoned B-4 (General Commercial) district on the City of Rochester Zoning Map.

Proposed Development:

The Plat proposes to re-subdivide Lot 3, Block 1,

Eastgate Commercial Park First Subdivision into 2 lots

for development.



Page 2 Final Plat #03-27 Dooley's Subdivision August 28, 2003

Roadways:

There are no new roadways being dedicated with this

plat.

Pedestrian Facilities:

Dedication of a 10' wide pedestrian facility easement is

required along the entire frontage of the property

abutting T.H. 14.

The condition of existing sidewalk along Eastgate Drive SE will be reviewed by Public Works staff and any needed repairs, and or panel replacement shall be done concurrent with the development of proposed Lot

1, Block 1.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The Soils Survey does not indicate hydric soils

within this Plat.

Drainage:

Grading and drainage plans for the development of the vacant proposed Lot 1, Block 1 will be determined at the time of Site Plan Development Review. A Storm Water Management charge will be applicable to the development of Lot 1, Block 1 or redevelopment of Lot 2, for any increase in impervious surface, if on-site

detention is not provided.

Public Utilities:

The private sewer and water easement shown must be extended to Lot 2, Block 1 along the alignment of the

proposed water serve to provide for future

maintenance.

Execution of a City-Owner Contract and dedication of applicable public utility easement(s) is required, if the extension of public watermain and/or the addition of

hydrant(s) is required for this project.

Spillover Parking:

Parking for the development of each lot will be determined at the time of Site Plan Development

Review.

Parkland Dedication:

The property will not be used for residential development, therefore there are no parkland

dedication requirements.

Preliminary Plat:

According to Section 61.221 of the Land Development Manual "A subdivision in which all proposed lots front on a platted or dedicated street right-of-way and no major changes to the right-of-way are proposed may be exempted from the requirements of this paragraph (Land Subdivision Permit).



Page 3 Final Plat #03-27 Dooley's Subdivision August 28, 2003

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following conditions:

- 1. Prior to recording the Final Plat, the plat shall be revised:
 - a. Extending the existing private sewer and water easement to Lot 2, Block 1 along the alignment of the proposed water service to provide for future maintenance.
 - b. Dedicating a 10' wide pedestrian facility easement along the entire frontage of the property abutting T.H.14.
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.
- 3. Execution of a City-Owner Contract and dedication of applicable public utility easement(s) is required, if the extension of public watermain and/or the addition of hydrant(s) is required for this project.
- 4. At the time of Site Plan Development Review, Grading and Drainage approval is required prior to development to the vacant proposed Lot 1, Block 1. A Storm Water Management charge will be applicable to the development of Lot 1, or redevelopment of Lot 2, for any increase in impervious surface, if on-site detention is not provided. In addition, the condition of the existing sidewalk along Eastgate Drive Se shall be reviewed by Public Works staff and any needed repairs, or panel replacement, shall be done concurrent with development of proposed Lot 1, Block 1.
- 5. There is no record of this property previously paying Water Availability Charge (WAC). Individual lot development / redevelopment is subject to a WAC charge prior to the issuance of utility connection permit(s).
- 6. The private driveway easement must be extended to serve Lot 2, Block 1. Said easement must be recorded concurrent with the final plat documents.

191

ROCHESTER

--- Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 8/25/03

The Department of Public Works has reviewed the application for <u>FP#03-27</u>, for the proposed <u>Dooley's Subdivision</u>. The following are Public Works comments on the proposal:

- 1. Execution of a City-Owner Contract, and dedication of applicable public utility easement(s) is required if the extension of public watermain and/or the addition of hydrant(s) is required for this project.
- 2. Grading & Drainage approval is required prior to development of the vacant proposed Lot 1, Block 1. A Storm Water Management charge will be applicable to the development of Lot 1, or redevelopment of Lot 2, for any increase in impervious surface, if on-site detention is not provided.
- 3. The condition of existing sidewalk along Eastgate Dr SE will be reviewed by Public Works staff and any needed repairs, and or panel replacement, shall be done concurrent with development of proposed Lot 1, Block 1.
- 4. Dedication of a 10 foot wide pedestrian facility easement is needed along the entire frontage of the Property abutting T.H. 14.
- There is no record of this Property previously paying a Water Availability Charge (WAC). Individual Lot development / redevelopment, is subject to a WAC charge prior to issuance of utility connection permit(s). The current rate through 7/31/04 is \$1851.12 per acre.





August 25, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Final Plat #03-27 by Edward Becker to be known as Dooley's Subdivision.

Dear Ms. Garness:

Our review of the referenced final plat is complete and our comments follow:

1. The private sewer and water easement shown must be extended to Lot 2, Block 1 along the alignment of the proposed water service to provide for future maintenance.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Edward Becker
McGhie & Betts, Inc.





Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

August 19, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald;

RE:

DOOLEYS SUBDIVISION

FINAL PLAT #03-27

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:

\$40.00 (2 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$210.00 (2 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of **DOOLEYS SUBDIVISION** the GIS / Addressing staff has found no issues to bring forth at this time.





Minnesota Department of Transportation

Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W. Rochester, MN 55901-5848

Office Tel: 507-280-2913 Fax: 507-285-7355

AUG 2 5 2003

ROCHESTER OLMSTED PLANNING DEPARTMENT

August 21, 2003

Jennifer Garness Rochester-Olmsted Planning Department 2122 Campus Drive SE - Suite 100 Rochester, MN 55904

Subject:

Final Plat #03 by Edward Becker to be known as Dooley's Subdivision. The applicant is proposing to subdivide Lot 3, Block 1 Eastgate Commercial Park Subdivision into two lots for development. The property is located along the south side of US Highway 14, north of East Circle Drive SE and is the property where NAPA Auto Parts store is located.

US Highway 14, C.S. 5503

Final Plat #02-07 by Western Walls, Inc. to be known as Manorwood Lakes Seventh. The plat contains 27.10 acres to be subdivided into 50 single family home lots and outlots. The property is located adjacent on the east Manorwood Lakes 5th and 6th subdivision and the present termini of Lake Meadow Dr. NW and Lake Vista Dr. NW. US Highway 14, C.S. 5501

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Mn/DOT recommends with these and other proposals that the City of Rochester develop an internal system of collector streets to manage future growth along the US Highway 14 Corridor. Local Planning, to accommodate continued growth, is needed to manage the impacts of these developments for Mn/DOT roadways.

Thank you for keeping Mn/DOT informed. Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul Planning Director

cc:

Fred Sandal

Debbie Persoon-Bement

OE Ma

File

REQUEST FOR COUNCIL ACTION

MEETING Q5
DATE: 09-03-03

| | | DATE: 09-03-03 | |
|---|-------------------------------|---------------------------------------|--|
| AGENDA SECTION: PUBLIC HEARINGS | ORIGINATING DEPT: PLANNING | E-10 | Control Science |
| ITEM DESCRIPTION: Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat. The applicant is proposing to re-subdivide Lot 1, Block 1, Chateau Subdivision into 2 lots for development. The property is located along the north side of East Circle Drive NE (CSAH 22), east of TH 63 and is the property where the Chateau Theatre is located. | | PREPARED BY: Theresa Fogarty, Planner | A SALAN SALA |

August 28, 2003

Planning Department Review:

See attached staff report dated August 26, 2003, recommending approval subject to the following conditions:

- 1. Grading and Drainage Plan for the development of the vacant proposed Lot 2, Block 1 shall be determined at the time of Site Plan Development Review. A Storm Water Management charge will be applicable to the development of Lot 2, Block 1, for any increase in impervious surface, if on-site detention is not provided.
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.
- 3. Gravity flow Sanitary Sewer is not currently available to serve Lot 2, Block 1. The Owner shall be required to extend utilities through a City-Owner Contract, or shall execute a Contribution Agreement to address it obligations regarding the cost for the City to extend utilities.
- 4. There are items regarding landscaping and stabilization of the rock fact that were required by previous Site Development Plan approval for this property, that to date have not been completed. The applicant is required to complete it's obligations prior to Site Development Plan approval for Lot 2, Block 1.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

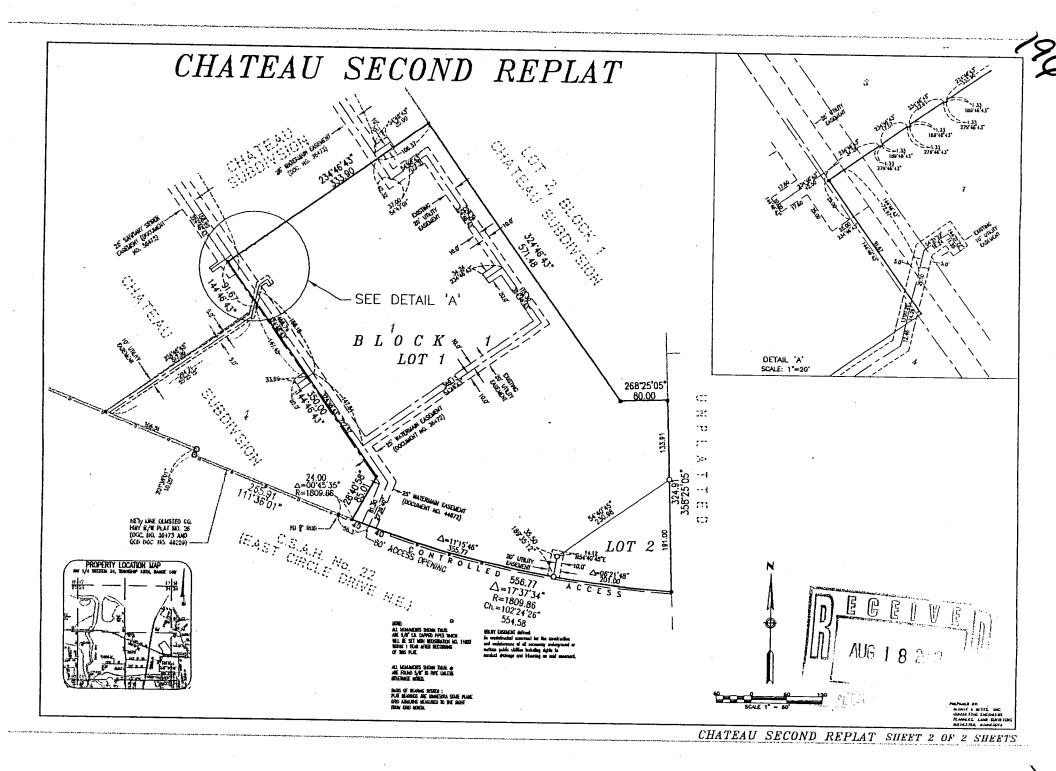
Attachments:

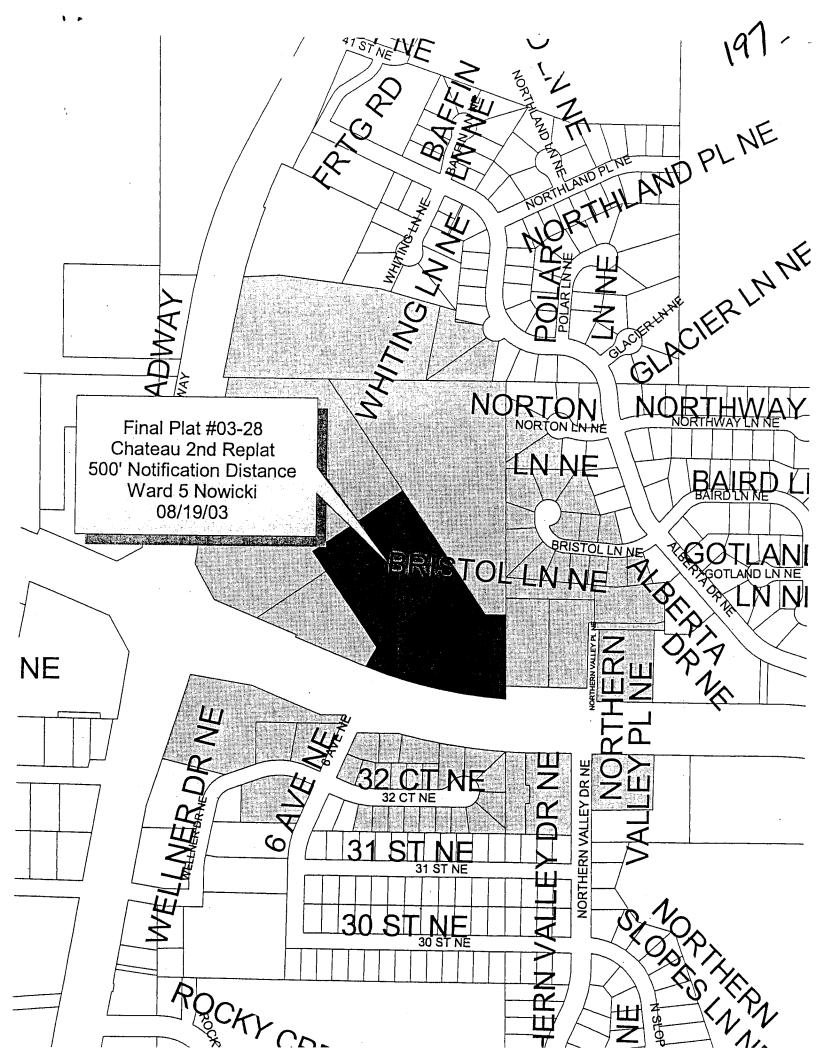
1. Staff report, dated August 28, 2003.

Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney
- 4. Planning Department File
- 5. Applicant: This item will be considered sometime after 7:00 p.m. on <u>Wednesday</u>, September 3, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 6. McGhie & Betts, Inc.

| COUNCIL ACTION: Motion by: | Second by: | _ to: |
|----------------------------|------------|-------|
| | | |





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning

TO:

Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE:

August 28, 2003

RE:

Final Plat #03-28 by GAC Theaters, Inc. to be known as Chateau Second Replat. The applicant is proposing to re-subdivide Lot 1, Block 1, Chateau Subdivision into 2 lots for development. The property is located along the north side of East Circle Drive NE (CSAH 22), east of TH 63 and is the property where the Chateau

Theatre is located.

Planning Department Review:

Applicant/Owner:

GAC Theaters, Inc.

111 South Broadway

P.O. Box 249

Rochester, MN 55903

Surveyors/Engineers:

McGhie & Betts

1648 Third Avenue SE Rochester, MN 55901

Referral Comments:

1. Rochester Public Works Department

2. Rochester Public Utilities - Water Division

3. Planning Department - Addressing

4. MN Department of Transportation

Report Attachments:

1. Referral Comments (4 Letters)

2. Copy of Final Plat

3. Location Map

Plat Data:

Location of Property:

This plat is located along the north side of East Circle Drive NE (CASH 22), east of TH 63 and is the property

where the Chateau Theatre is located.

Zoning:

The property is zoned B-4 (General Commercial)

district on the City of Rochester Zoning Map.

Proposed Development:

The Plat proposes to re-subdivide Lot 1, Block 1,

Chateau Subdivision into 2 lots for development.



Page 2 Final Plat #03-28 Chateau Second Replat August 28, 2003 199

Roadways:

There are no new roadways being dedicated with this

plat.

Pedestrian Facilities:

A Development Agreement has been executed for this

property which addresses pedestrian facilities.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The Soils Survey does not indicate hydric soils

within this Plat.

Drainage:

Grading and drainage plans for the development of the vacant proposed Lot 2, Block 1 will be determined at the time of Site Plan Development Review. A Storm Water Management charge will be applicable to the development of Lot 2, Block 1, for any increase in impervious surface, if on-site detention is not provided.

Public Utilities:

Final utility plans need to be reviewed and approved.

Gravity flow Sanitary Sewer is not currently available to serve Lot 2, Block 1. The Owner shall be required to extend utilities through a City-Owner Contract, or shall execute a Contribution Agreement to address it obligations regarding the cost for the City to extend

utilities.

Spillover Parking:

Parking for the development of each lot will be determined at the time of Site Plan Development

Review.

Parkland Dedication:

The property will not be used for residential development, therefore there are no parkland

dedication requirements.

Preliminary Plat:

According to Section 61.221 of the Land Development Manual "A subdivision in which all proposed lots front on a platted or dedicated street right-of-way and no major changes to the right-of-way are proposed may be exempted from the requirements of this paragraph (Land Subdivision Permit).

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following conditions:

1. Grading and Drainage Plan for the development of the vacant proposed Lot 2, Block 1 shall be determined at the time of Site Plan Development Review. A Storm Water Management charge will be applicable to the development of Lot 2, Block 1, for any increase in impervious surface, if on-site detention is not provided.



Page 3 Final Plat #03-28 Chateau Second Replat August 28, 2003

- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 19, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.
- 3. Gravity flow Sanitary Sewer is not currently available to serve Lot 2, Block 1. The Owner shall be required to extend utilities through a City-Owner Contract, or shall execute a Contribution Agreement to address it obligations regarding the cost for the City to extend utilities.
- 4. There are items regarding landscaping and stabilization of the rock facethat were required by previous Site Development Plan approval for this property, that to date have not been completed. The applicant is required to complete it's obligations prior to Site Development Plan approval for Lot 2, Block 1.



ROCHESTER

– Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE

Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 8/25/03

The Department of Public Works has reviewed the application for <u>FP#03-28</u>, for the proposed <u>Chateau Second Replat</u>. The following are Public Works comments on the proposal:

- 1. A Development Agreement has been executed for this Property.
- 2. Grading & Drainage approval is required prior to development of the vacant proposed Lot 2, Block 1, if grading will involve more than 50 cu. yds of material. A Storm Water Management charge will be applicable to any increase in impervious surface for the development of Lot 2, Block 1, if on-site detention is not provided.
- 3. Gravity flow Sanitary Sewer is not currently available to serve Lot 2, Block 1. The Owner will be required to extend utilities through a City-Owner Contract, or shall execute a Contribution Agreement to address its obligations regarding the cost for the City to extend utilities.
- 4. The are items regarding landscaping and stabilization of the rock face that were required by previous Site Development Plan approval for this Property, that to date have not been completed. The applicant should be required complete it's obligations of the prior SDP.



August 25, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Final Plat #03-28 by GAC Theaters, LLC to be known as Chateau Second Replat.

Dear Ms. Garness:

Our review of the referenced final plat is complete and we have no objections, per the preliminary utility plan review, final utility plans have yet to be reviewed.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

August 19, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Pam Hameister, Wendy Von Wald;

RE:

CHATEAU SECOND REPLAT

FINAL PLAT #03-28

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE:

\$40.00 (2 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$210.00 (2 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of <u>CHATEAU SECOND REPLAT</u> the GIS / Addressing staff has found no issues to bring forth at this time.





Minnesota Department of Transportation

Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W. Rochester, MN 55901-5848

Office Tel: 507-280-2913 Fax: 507-285-7355

August 21, 2003

Jennifer Garness Rochester-Olmsted Planning Department 2122 Campus Drive SE – Suite 100 Rochester, MN 55904

Subject:

Final Plat #03-28 to be known as Chateau Second Replat by Theaters, Inc. The applicant is proposing to re-subdivide Lot 3. Block 1 Chateau Subdivision into 2 lots for development. The property is located along the north side of East Circle Drive NE

(CSAH 22) and along the east side of US 63.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed and finds acceptable the Chateau Second Replat proposal by GAC Theatres. Mn/DOT encourages the City of Rochester to continually develop internal street connections to reduce impacts for both City streets and for Mn/DOT roadways.

Thank you for the opportunity to comment on this proposal. Please contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 with any questions you may have.

Sincerely,

Dale E. Maul Planning Director

cc:

Fred Sandal

Debbie Persoon-Bement

all & Mal

File



REQUEST FOR COUNCIL ACTION

MEETING 205

| | | DATE: <u>09-03-03</u> |
|---|----------------------------|---|
| AGENDA SECTION: PUBLIC HEARINGS | ORIGINATING DEPT: PLANNING | ITEM NO. |
| ITEM DESCRIPTION: Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to acilitate expansion of the existing Menards South store. This petition includes relocating/shifting 30 th Street SE east of the Shopko south and Menards south stores. The | | PREPARED BY: Theresa Fogarty, Planner |

August 27, 2003

easements.

Planning Department Recommendation:

See attached staff report dated August 7, 2003.

Staff recommends approval of the vacation petition as submitted, with the following conditions:

applicant is proposing to dedicate new right-of-way and new drainage and utility

- 1. Prior to recording this vacating request, the applicant shall dedicate all new right-of-way and utility easements for the relocation of the right-of-way and utility easements. The owner shall be responsible for any costs associated with the relocation of the right-of-way and utilities.
- 2. The right-of-way being vacated has never been officially designated as 30th Street SE, nor can the new roadway be designated as such. The designation of the new roadway must be coordinated and verified by the Planning Department GIS staff.

The Planning & Zoning Commission reviewed this vacation request at their August 13, 2003 meeting. The Commission recommended approval of the vacation petition.

Ms. Rivas moved to recommend approval of Vacation Petition #03-03 by Menards, Inc. with staff recommended conditions. Mr. Burke second the motion. The motion carried 8-0.

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as recommended by the City Planning and Zoning Commission.

<u>Attachments:</u>

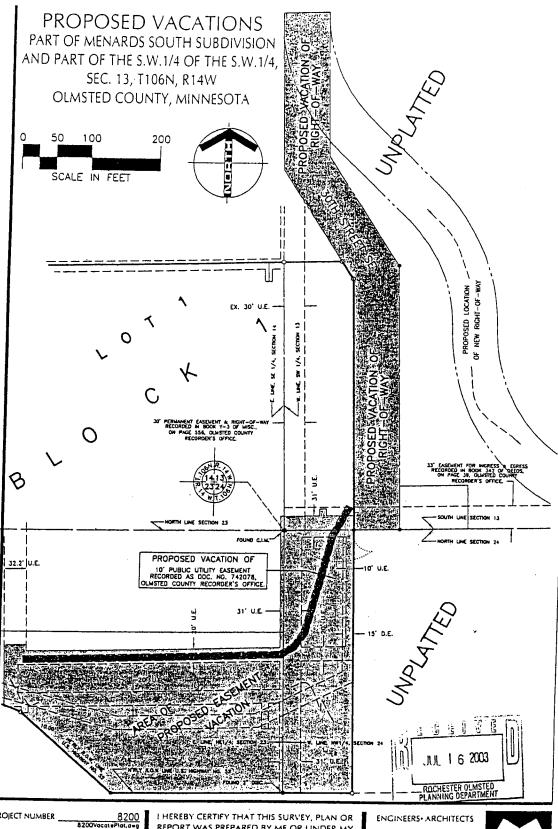
- Staff Report dated August 7, 2003.
- 2. Minutes of the CP&ZC August 13, 2003 meeting

<u>Distribution:</u>

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Copy of legal description is attached
- 4. Planning Department File
- 5. Applicants: This item will be considered by the Council sometime after 7:00 p.m. on <u>WEDNESDAY</u>, September 3, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE, Rochester, MN.
- 6. Yaggy Colby Associates

| COUNCIL ACTION: Motion by: | Second by: | to: |
|----------------------------|------------|-----|
| | | |

2018



| PROJECT NUMBER | 8200 8200VacatePlat.awg |
|----------------|----------------------------|
| DATE OF SURVEY | 7/16/03 |
| DRAFTED BY | млн |
| SURVEYED BY | Y.C.A. |
| SURVEYED FOR | MENIAPOS |

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

PETER G. OETLIKER LICENSE EXPIRES 6/30/04

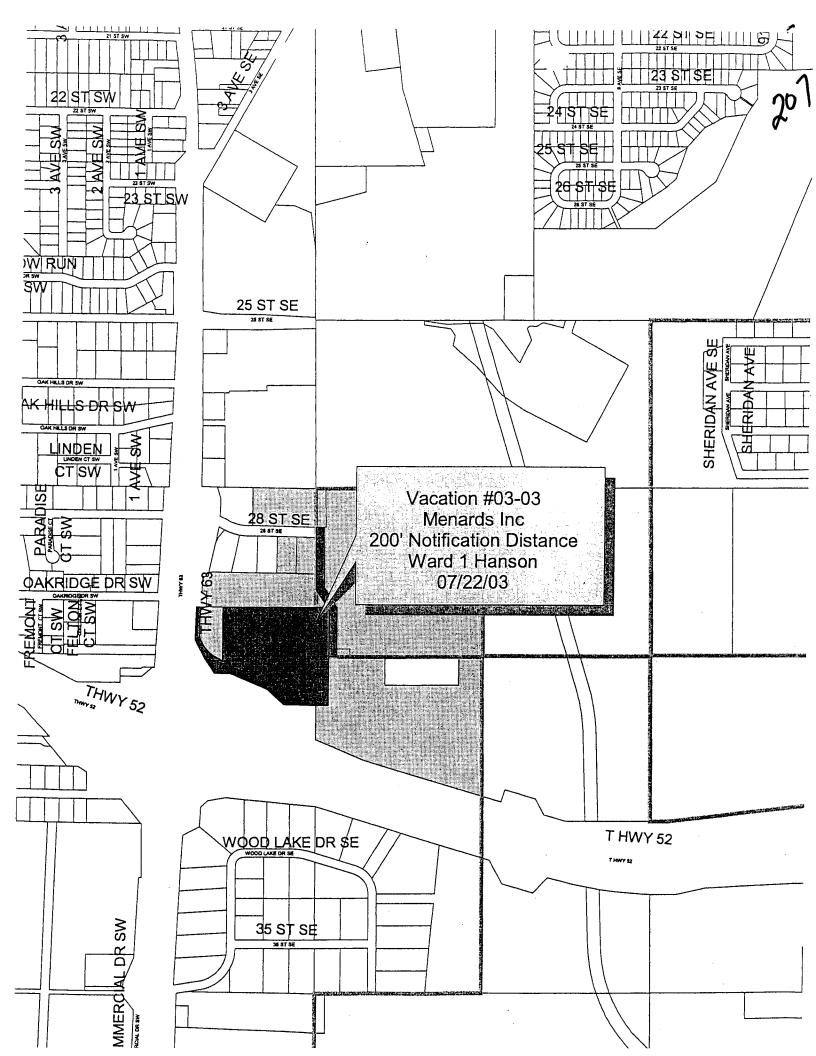
41887

DATE NUMBER

SURVEYORS - PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVE. S.E. ROCHESTER, MN 507-288-6464 FAX: 507-288-5058 E-MAIL: INFO@YAGGY.COM







ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

Glusted

www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Theresa Fogarty, Planner

DATE:

August 7, 2003

RE:

Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to facilitate expansion of the existing Menards South store. This petition include re-locating/shifting 30th Street SE east of the Shopko South and Menards South stores. The applicant is proposing to dedicate

new right-of-way and new drainage and utility easements.

Planning Department Review:

Petitioner(s):

Menard, Inc.

4777 Mendard Drive Eau Claire, WI 54703

Engineer/Surveyor:

Yaggy Colby Associates 717 Third Avenue SE

Rochester, MN 55904

Reason to Vacate:

The petitioner is requesting to vacate easements and

right-of-way to facilitate expansion of the existing

Menards South store.

Referral Comments:

1. Rochester Public Works

2. Rochester Public Utilities - Water Division

3. Rochester Public Utilities – Operations Division

4. Planning Department – GIS Division

5. Planning Department – Wetlands LGU

Representative

6. Planning Department – Transportation Division

Report Attachments:

1. Vacation Petition

2. Site Map

3. Location Map

4. Referral Comments (6 letters)





August 7, 2003 Vacation Request #03-03 Menards, Inc.

Staff Recommendation:

Staff has reviewed the recommendations presented by the referral agencies and is recommending approval of the vacation request, as submitted with the following conditions:

- 1. Prior to recording this vacating request, the applicant shall dedicate all new right-of-way and utility easements for the relocation of the right-of-way and utility easements. The owner shall be responsible for any costs associated with the relocation of the right-of-way and utilities.
- 2. The right-of-way being vacated has never been officially designated as 30th Street SE nor can the new roadway be designated as such. The designation of the new roadway must be coordinated and verified by the Planning Department GIS staff.



ROCHESTER

— Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application requesting <u>Vacation #03-03</u> by <u>Menards Inc</u> to vacate a portion of 30th Ave SE. The following are Public Works comments on the proposal:

1. Public Works has no objection to granting this request provided all necessary right-of-way, drainage, and utility easements for the relocation have been dedicated.





July 25, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. New utility easements for the existing and proposed water mains must be dedicated prior to the water main relocations and any building construction.

Please contact us at 507-280-1600 if you have any questions.

Very truly yours,

our Richarde

Donn Richardson

Water

C: Doug Rovang, RPU
 Mike Engle, RPU
 Mark Baker, City Public Works
 Vance Swisher, Fire Prevention Bureau
 Menard, Inc.
 Yaggy Colby Associates



DATE:

July 29, 2003

TO:

Jennifer Garness, Planning Dept. Rochester-Olmsted Planning Dept.

FROM:

Michael J. Engle, Supv. of Distribution Design

Rochester Public Utilities

280-1579

SUBJECT:

Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to facilitate expansion of the existing Menards South store. This petition includes re-locating/shifting 30th St.

SE east of the Shopko south and Menards south stores. The

applicant is proposing to dedicate new right-of-way and new drainage

and utility easements.

RPU's Operations Division review of the above-referenced vacation petition is complete and our comments follow:

- 1. Any relocation of existing RPU owned electric facilities located within the areas proposed for vacation must be relocated at the expense of the requester.
- 2. New utility easements must be granted for any relocated facilities.

Sincerely,

la

c. Menards, Inc.

Michael &

Yaggy Colby Associates





Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

DATE:

July 28, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

Yaggy Colby Associates

RE:

VACATION PETITION 03-03

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

NOTE: The Right-of-way vacation; with its reference to 30 Street SE is an addressing staff concern. The roadway being vacated has never been officially designated as 30 Street SE nor can the new roadway be designated as such. Therefore the designation for the new roadway must be coordinated and verified by our office.



WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: <u>Utility Vacation #03-03 by Menards, Inc.</u>

| | No hydric soils exist on the site based on the Soil Survey |
|-------------|---|
| | Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application. |
| | A wetland delineation has been carried out for the property and is on file with the Planning Department. |
| | A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department. |
| | A wetland related application has been approved by the City. This plan incorporates the approved wetland plan. |
| | No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands. |
| \boxtimes | Other or Explanation: |
| | Hydric soils exist on the site according to the soil survey. The property owner is responsible for identifying wetlands on the property and submitting the information to the Olmsted Soil and Water Conservation District. |

TRANSPORTATION STAFF DEVELOPMENT APPLICATIONS REVIEW DATABASE - 2003 Jurisdiction | Application | C

| of the existing Menards south store. The following are the brief comments regarding relocation/shifting of 30th Stree SE east of Shopko south and Menards south store: The applicant has to dedicate the new ROW to the city of Rochester before vacation of old ROW. Currently the elevation of 30th St is at 1032 feet that has to be maintain in the proposed new 30th St. Presently the land elevation is at 1028 feet The new ROW dedication has to be for collector rather than local road. The designation collector as per Thoroughfare Plan has to be 44 feet roadway on 80 feet ROW. 30th St has a potential of becoming collector for number of reasons. It is anticipated that it will provide future connection to CSAH1 and manage to distribute traffic generated by the land uses between TH 63 and CSAH 1. Long Range Thoroughfare Plan shows CSAH 1 as an Arterial. The future 30th St will relieve the congestion on existing street and collect a traffic generated by the land uses in between two major street i.e. TH 6 and CSAH1. Olmsted County Future Land Use Map shows the land in question as 2 years Urban Service Area. Bike path is required to be connected with the future bicycle path as | Jurisdiction | | Comments |
|--|--------------|--------------------------------|---|
| The applicant has to dedicate the new ROW to the city of Rochester before vacation of old ROW. Currently the elevation of 30th St is at 1032 feet that has to be maintain in the proposed new 30th St. Presently the land elevation is at 1028 feet The new ROW dedication has to be for collector rather than local road. The designation collector as per Thoroughfare Plan has to be 44 feet roadway on 80 feet ROW. 30th St has a potential of becoming collector for number of reasons. It is anticipated that it will provide future connection to CSAH1 and manage to distribute traffic generated by the land uses between TH 63 and CSAH 1. Long Range Thoroughfare Plan shows CSAH 1 as an Arterial. The future 30th St will relieve the congestion on existing street and collect a traffic generated by the land uses in between two major street i.e. TH 6 and CSAH1. Olmsted County Future Land Use Map shows the land in question as 2 years Urban Service Area. Bike path is required to be connected with the future bicycle path as shown on ROCOG Long Range Bicycle Plan on east side of the site. I anticipated that bike path will be on one side of 30th St. Final design | City | Vacation Petition #03-03 by | The following are the brief comments regarding relocation/shifting of 30 th Street |
| traffic generated by the land uses in between two major street i.e. TH 6 and CSAH1. Olmsted County Future Land Use Map shows the land in question as 2 years Urban Service Area. Bike path is required to be connected with the future bicycle path as shown on ROCOG Long Range Bicycle Plan on east side of the site. I anticipated that bike path will be on one side of 30th St. Final design | | | The applicant has to dedicate the new ROW to the city of Rochester before vacation of old ROW. Currently the elevation of 30th St is at 1032 feet that has to be maintained in the proposed new 30th St. Presently the land elevation is at 1028 feet. The new ROW dedication has to be for collector rather than local road. The designation collector as per Thoroughfare Plan has to be 44 feet roadway on 80 feet ROW. 30th St has a potential of becoming collector for number of reasons. It is anticipated that it will provide future connection to CSAH1 and manage to distribute traffic generated by the land uses between TH 63 and CSAH 1. Long Range Thoroughfare Plan shows CSAH 1 as an Arterial. The |
| shown on ROCOG Long Range Bicycle Plan on east side of the site. I anticipated that bike path will be on one side of 30" St. Final design | | | future 30th St will relieve the congestion on existing street and collect all traffic generated by the land uses in between two major street i.e. TH 63 and CSAH1. Olmsted County Future Land Use Map shows the land in question as 25 years Urban Service Area. |
| | | | shown on ROCOG Long Range Bicycle Plan on east side of the site. It is anticipated that bike path will be on one side of 30" St. Final design |
| | | | , |



MINUTES OF THE CITY OF ROCHESTER PLANNING COMMISSION 2122 CAMPUS DRIVE SE – SUITE 100 ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, August 13, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

<u>Members Present</u>: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Randy Staver; Mr. Ivahn Dockter; Mr. Robert Haeussinger; and Mr. James Burke

Members Absent: Mr. Paul Ohly

Staff Present: Mr. Brent Svenby; Mr. Philip Wheeler; and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

ADMINISTRATIVE BUSINESS:

Mr. Haeussinger made a motion to approve the minutes of July 23, 2003, as written. Mr. Staver seconded the motion. The minutes from July 23, 2003 were approved unanimously.

Ms. Petersson made a motion to approve the agenda, adding the discussion of the City Planning & Zoning Commission's 2004 budget under "Other Business". Mr. Burke seconded the motion. The motion carried unanimously.

ANNEXATION:

Annexation By Ordinance #03-19 by Larry M. Brown to annex approximately 2.15 acres of land located along the south side of Til 14, east of 40th Ave. SE.

Mr. Brent Svenby presented the staff report dated August 6, 2003, to the Commission. The staff report is on file at the Rochester-Olmstag Planning Department.

Mr. Haeussinger moved to recommend approval of Annexation By Ordinance #03-19 by Larry M. Brown as presented by staff. Ms. Petersson seconded the motion. The motion carried 8-0.

PUBLIC HEARINGS:

Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to facilitate expansion of the existing Menards South store. This petition includes re-locating/shifting 30th St. SE east of the Shopko south and Menards south stores. The applicant is proposing to dedicate new right-of-way and new drainage and utility easements.

Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner opened the public hearing. With no one wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Rivas moved to recommend approval of Vacation Petition #03-03 by Menards, Inc. with the staff-recommended conditions. Mr. Burke seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. Prior to recording this vacating request, the applicant shall dedicate all new right-of-way and utility easements for the relocation of the right-of-way and utility easements. The owner shall be responsible for any costs associated with the relocation of the right-of-way and utilities.
- 2. The right-of-way being vacated has never been officially designated as 30th Street SE nor can the new roadway be designated as such. The designation of the new roadway must be coordinated and verified by the Planning Department GIS staff.

Land Subdivision Permit (Preliminary Plat) #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision. The Plat proposes to subdivide 63.20 acres of land into 75 lots for residential development and 4 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of Pinewood Road SE and west of 30th Avenue SE.

Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the applicant submitted a Design Modification application that would go before the City Council along with the Preliminary Plat.

Mr. Svenby stated that Rochester Public Utilities indicated that condition number 1)c listed in the staff report could be stricken.

Mr. Svenby also asked that the following be added to the end of condition 1)e listed in the staff report: "The mid-block connection would not be required if the Design Modification is approved by the City Council."

Mr. Svenby stated that the Fire Department has agreed that a roadway width of 18 feet would be sufficient around the center islands located in Pinewood Ridge Drive SE and Dunlap Street SE.

Discussion ensued regarding parkland dedication.

Discussion ensued regarding maintenance of islands.



REQUEST FOR COUNCIL ACTION

Δ1**9**MEETING

DATE: 09-03-03

AGENDA SECTION:
PUBLIC HEARINGS
ORIGINATING DEPT:
PLANNING

ITEM DESCRIPTION: Annexation Petition #03-20 by Joel Bigelow, Robert & Cheryl Nelson and Doug & Rhonda Abbott to annex approximately 35.97 acres of land located along the north side of 55th Street NW and along the east side of 60th Avenue NW. The property is located in the SW ¼ of the SW ¼ Section 7 Cascade Township.

PREPARED BY:
Theresa Fogarty,
Planner

ITEM NO.

August 28, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on August 27, 2003. The Commission found that this property is adjacent to the City limits and can be served by city water services and sanitary sewer being available upon the extension of the trunk sewer from the Weatherstone development, running along the Douglas Trail. The Planning Commission therefore recommends approval of this request.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-20 Joel Bigelow, Robert & Cheryl Nelson and Doug & Rhonda Abbott by Larry Brown as recommended by staff. Mr. Dockter seconded the motion. The motion carried 8-0.

Planning Department Recommendation:

See attached staff report, dated August 20, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2003 is \$626.62.

Council Action Needed:

 Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.

Attachments

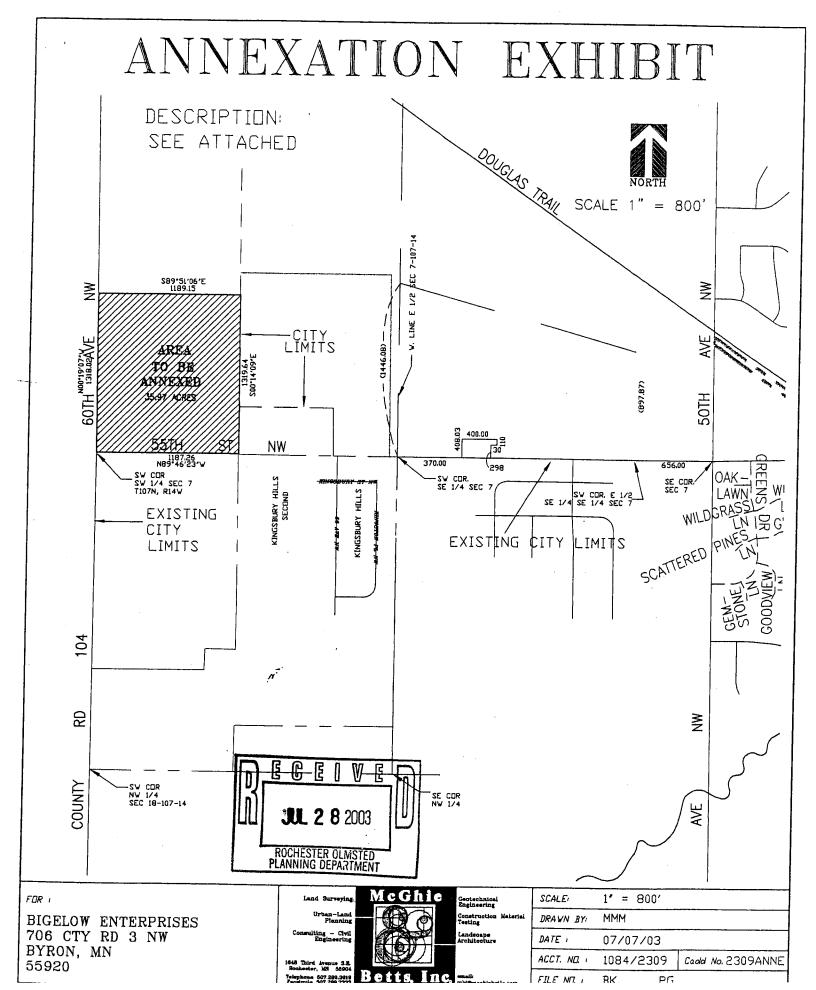
- 1. Staff report, dated August 20, 2003.
- 2. Draft copy of the minutes of the August 27, 2003, CPZC meeting

Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Legal Description Attached
- 4. City Finance Director: Tax Information Attached
- 5. Planning Department File
- 6. Applicant: This item will be considered sometime after 7:00 p.m. on <u>WEDNESDAY</u>, September 3, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 7. McGhie & Betts, Inc.

| COUNCIL | ACTION: | Motion by: | Second by: | _ to: | |
|---------|---------|------------|------------|-------|--|
| | | | | | |





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE:

August 20, 2003

RE:

Annexation Petition #03-20 by Joel Bigelow, Robert & Cheryl Nelson and

Doug & Rhonda Abbott to annex approximately 35.97 acres of land located

along the north side of 55th Street NW and along the east side of 60th Avenue NW. The property is located in the SW 1/4 of the SW 1/4 Section 7

Cascade Township.

Planning Department Review:

Applicants/Owners:

Joel Bigelow & Sons Enterprises

706 County Road 3 NW Byron, MN 55920

Robert & Cheryl Nelson 5829 NW 55th Street Rochester, MN 55901

Doug and Rhonda Abbott 5833 NW 55th Street Rochester, MN 55901

Architect/Engineer:

McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904

Existing Land Use:

This property is currently undeveloped land.

Existing Zoning:

The property is zoned A-4 (Agricultural Urban Expansion)

District on the Olmsted County zoning map.

Future Zoning:

Upon annexation, the property will be zoned R-1 (Mixed Single

Family Residential) district on the Rochester zoning map.

Land Use Plan:

This property is designated for "low density residential" uses

on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal

Limits:

The property is adjacent to the city limits along the eastern

and SW corner boundaries.





Page 2 Annexation #03-20 Bigelow / Nelson / Abbott Property August 20, 2003

Sewer & Water:

This area is within the Northwest High Level Water System Area, which will be made available to this property with the

completion of Kingsbury Hills Fourth.

The property can be served with Municipal Water. Sanitary sewer is not immediately available to serve this property. Sanitary sewer will be available upon extension of the trunk sewer from the Weatherstone development running along the

Douglas Trail.

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Wednesday, September 3, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

No referral comments attached

Report Attachments:

1. Annexation Map / Location Map

Staff Recommendation:

This property is adjacent to the City limits and can be served by city water services and sanitary sewer will be available upon extension of the trunk sewer from the Weatherstone development, running along the Douglas Trail. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

Draft Minutes of the City Planning & Zoning Commission Date of Hearing: August 27, 2003

ANNEXATION:

Annexation Petition #03-20 by Joel Bigelow, Robert & Cheryl Nelson and Doug & Rhonda Abbott to annex approximately 35.97 acres of land located along the north side of 55th Street NW and along the east side of 60th Avenue NW. The property is located in the SW ½ of the SW ½ Section 7 Cascade Township.

Mr. Brent Svenby presented the staff report, dated August 20, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-20 by Joel Bigelow, Robert & Cheryl Nelson and Doug & Rhonda Abbott as recommended by staff. Mr. Dockter seconded the motion. The motion carried 8-0.



| REQUE | ST FOR COUNCIL ACTION | MEETING | | |
|--|---|--|--|--|
| 1 | OTTON GOODING FACTION | DATE: 9/3/03 | | |
| AGENDA SECTION: | ORIGINATING DEPT: | ITEM NO. | | |
| Public Hearings | Finance Department | E-13 | | |
| ITEM DESCRIPTION: A public hearing to conmillion in public housing revenue bo for the Eastridge Estates Project. | nsider the issuance of approximately \$5.8 ands on behalf of Pacific Housing Corporation | PREPARED BY: Dale Martinson | | |
| Representatives of Pacific Housing Advisors, Inc. located in Seattle, Washington, have requested this hearing to consider providing preliminary approval to the issuance of approximately \$5.8 million in public housing revenue bonds (conduit debt) for their project. The bonds would be utilized to fund the acquisition and rehabilitation of the 126-unit Eastridge Estates apartment facility located at 2009 17 th Street SE in Rochester. The property is an affordable housing development (with a Section 8 rental assistance contract in place). The property would continue to remain a low to moderate income housing property following acquisition. | | | | |
| State of Minnesota for an allocation of in various categories that can be issued in the state of Minnesota for an allocation of the state of | ot a 501(c)(3) organization and therefore will of tax-exempt bonding authority. The State so used each year, known as the "bonding cap". asked to authorize submission of the applications of the applications. | ets maximum amounts As part of providing | | |
| council at that time to authorize finate to assure that these bonds will NOT be | ng allocation, there would be one final action I approval of the issuance. Our bond counsel be considered a legal liability of the City and the charged upon any funds of the City. | reviews the documents | | |
| 9 F, | | | | |

Adopt a resolution calling providing preliminary approval of the issuance of approximately \$5.8 million in housing revenue bonds for the Eastridge Estates Project and authorizing submission of application to

Council Action Requested

the State for bonding authority.

COUNCIL ACTION: Motion by:______ Second by:______ to:



REQUEST FOR COUNCIL ACTION

MEETING 27 DATE: 09-03-03

| AGENDA SECTION: HEARINGS | ORIGINATING DEPT: CITY ADMINISTRATION | ITEM NO. |
|--|--|--|
| ITEM DESCRIPTION: Amend the 2003 Action Plan for the Cit Development Block Grant (CDBG) Proc | | PREPARED BY: Theresa Fogarty, CDBG Administrator |

August 25, 2003

Staff is recommending that the City of Rochester reallocate \$100,000 of the Contingency Funding as follows:

2003 Senior Citizens Services, Inc.. The Senior Citizens Services, Inc. is a non-profit providing programs and services to the seniors of Olmsted County. The additional CDBG funding will be used to assist with the cost of repairing the roof and replacing the air conditioning system at the Senior Citizens Services facility. located at 121 North Broadway, Rochester, MN 55906.

Council Action Needed:

1. Approve amending the 2003 Action Plan for the Community Development Block Grant.

Attachments:

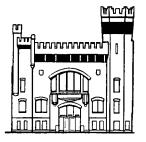
Letter from Senior Citizen Services, Inc., dated July 31, 2003

Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. CDBG File

| COUNCIL ACTION: Motion by: | Second by: | to: |
|----------------------------|------------|-----|
| | | |





Senior Citizens Services, Inc.

A United Way Agency
121 North Broadway • Rochester, Minnesota 55906
Phone (507) 287-1404 • Fax (507) 280-4719 • www.rochesterseniorcenter.org

July 31, 2003

= 75 600

Mr. Terry Spaeth City of Rochester, Administration 201 4th St. SE Rochester, MN 55904

Dear Mr. Spaeth:

The Rochester Senior Center wishes to apply for any contingency funds that may be available through the 2003 Community Development Block Grant Program. More specifically, we would like to request the remaining 20% of the City's original appropriation to the Center for 2003. This amount totals \$18,600. Please see attached letter.

In addition to that amount, we would like to request any available funds to help the Center with replacing its desperately needed new roof. Recent storms have caused substantial internal damage as a result of the roof leaking. The Rochester Senior Center operates under a lease with the City and is expected to maintain this City owned building; however, large capital projects like this are nearly impossible for us to fund due to our limited budget. It is our hope that the City would assist us in funding this roofing project. We have received bids from two roofing contractors which puts the estimated cost for this project anywhere from \$95,000 to \$175,000. Copies of these bids are included. Due to the fact that the building is City owned, any funds received from the City of Rochester would be most helpful in our appeal to other potential organizations for assistance with funding this project

As always, we are deeply grateful for the City of Rochester's assistance in helping the Rochester Senior Center serve the elderly of our community. If you have any questions or would like additional information, please feel free to contact me at 287-7157. We look forward to your favorable reply.

Sincerely,

Sally Gallagher
Executive Director

Encl.

cc:

Theresa Fogarty Steve Kvenvold

Mayor and City Council



REQUEST FOR COUNCIL ACTION

229

MEETING

| | | DATE: <u>9-03-03</u> | |
|---|--|--|--|
| AGENDA SECTION: | ORIGINATING DEPT: | ITEM NO. | |
| PUBLIC HEARINGS | PLANNING | E-15 | |
| ITEM DESCRIPTION: Annual Review of the Rural Service I | District Parcels | PREPARED BY: | |
| | | Brent Svenby, | |
| | | Planner | |
| August 26, 2003 NOTE: The maps ha | we been sent to the | ·· · | |
| City Planning and Zoning Commission Recommendation | we been sent to the parately. | | |
| The Rochester Code of Ordinances (Number 1466) as am City of Rochester. The Rural Service District classification lands in the Urban Service District. Properties classified as make use of many of the municipal services; therefore, the qualify for a Rural Service District classification, the proper | reduces the city portion of the mill rate s Rural Service District are largely und e municipal tax levy on the property is r | e to 17% of that for eveloped and do not | |
| be rural in character, not be developed for commercial, industrial, or urban res be part of a consolidated area five (5) acres in size, and be either unused, or used for agricultural, forest, recreating | | | |
| Mr. Haeussinger moved to approve the annual review of staff. Ms. Petersson seconded the motion. The motion | of Rural Service District parcels as r | ecommended by | |
| Additions: There are 21 properties to be added to the Rural Service D year's review, and they meet the above listed criteria. They of the attached staff report. Deletions: Properties that do not meet the Rural Service District qualif properties to be deleted appear on "List B" and "List C" of the than 5 acres in size. "List C" contains properties which are | y total approximately 843.90 acres and ication should be added to the Urban She attached staff report. "List B" include | are found in "List A" Service District. The | |
| Planning Department Recommendation: See attached staff report dated, July 29, 2003. | | | |
| Council Action Needed: 1. If the Council wishes to designate the lands listed in District, it should instruct the City Attorney to prepare 2. The Council should vote to suspend the rules and ha 3, 2003. | e an ordinance for adoption. | | |
| 3. If the Council wishes to transfer the parcels listed in District, it should instruct the City Attorney to prepare | "List B" and "List C" to the Urban S e a resolution for adoption. | ervice | |
| Attachments: 1. Staff report dated July 29, 2003. | | | |
| <u>Distribution:</u> 1. City Administrator 2. City Clerk 3. City Attorney: Legal Descriptions Attached 4. Planning Department File | | | |
| COUNCIL ACTION: Motion by: Sec | cond by: to: | | |



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Brent Svenby, Planner

DATE:

July 29, 2003

RE:

Annual Review of the Rural Service District (RSD) Parcels

The Rochester Code of Ordinances (#1466) requires an annual review of the Urban and Rural Service property tax districts within the City of Rochester. The City Planning and Zoning Commission conducts this review and recommends to the Common Council any changes that may be necessary. The required hearing on additions to the RSD will be scheduled for September 3, 2003, before the City Council. A 30-day notification is required for the hearing.

Properties classified as a Rural Service District are largely undeveloped and do not make use of many of the municipal services; therefore, the municipal tax levy on the property is reduced. In order to qualify for a RSD classification, a property must:

- 1. be rural in character;
- 2. not be developed for commercial, industrial or urban residential purposes;
- 3. be part of a consolidated area over five (5) acres in size; and
- 4. be either unused or used for agricultural, forest, recreational, nursery or quarrying purposes.

Ordinance No. 1635 states that the Common Council may determine that certain platted pieces of land may remain eligible for RSD status. The Council must determine that these properties are still rural in character and not developed for urban residential, commercial or industrial purposes.

Additions to the RSD

List "A" includes the tracts of undeveloped lands annexed into the City since the last update to the Rural Service District list in 2002 until July 1, 2003.

Deletions from the RSD

List "B" includes those tracts of land that because of their size (less than five acres), do not qualify for inclusion in the Rural Service District and should be removed. This list also includes parcels that no longer exist due to subdivision.



List "C" includes tracts of land that are owned by the public or other tax-exempt entities. These lands should be removed from the RSD because they pay no property taxes.

Attachments

- 1. List of properties in each category
- 2. Maps of properties to be added to the RSD



LIST "A" ANNEXATIONS

| ACRES | LOCATION & OWNER | MAD | DIN |
|-------|---|-----|-------|
| | LOCATION & OWNER | MAP | PIN |
| | located along the north side of 55 th Street NW, east of 60 th Avenue NW | # | # |
| 55.54 | and southwest of the Douglas Trail in a part of the SW 1/4 of Section 7 | 1 | 66354 |
| 00.04 | Cascade Township owned by Joe Bigelow & Sons Enterprise | 1 | 66355 |
| 36.65 | located south of CSAH 2 (Viola Road), east of the Century Hills | 2 | 66301 |
| | Development and west of Haver Hills Subdivision in a part of the SW 1/4 of | _ | 00301 |
| } | the NW ¼ and the North Half of the SW ¼ of Section 29 Haverhill | İ | |
| | Township owned by Arcon Development Inc. | | |
| 57.74 | located along the west side of 50th Avenue NW and south of Wedgewood | 3 | 66367 |
| | Hills Fourth Subdivision. The property is located in a part of the South ½ | | 66369 |
| 05.74 | of the NE ¼ of Section 18 Cascade Township owned by Floyd Ott | | 00000 |
| 35.71 | located along the north side of 55 th Street NW and east of 60 th Avenue NW | 4 | 66372 |
| | in a part of the East ½ of the SW ¼ of Section 7 Cascade Township | | |
| 27.6 | owned by Joel Bigelow & Sons Enterprise | | |
| 27.0 | located west of TH 63 and east of East River Road NE in a part of the SE | 5 | 68100 |
|] | 1/4 and NE 1/4 of the SW 1/4 of Section 13 Cascade Township owned by Morris Memorial LLC | | |
| 39.76 | located north of Valleyhigh Road between West Circle Drive and 50 th Ave. | | |
| 05.70 | NW in the east ½ of the east ½ of the northwest ¼ of Section 20, Cascade | 6 | 68038 |
| İ | Township owned by Badger Hills LLC | 1 | |
| 59.93 | located north of 65 th Street NW and along the east side of US Highway 52 | 7 | C0040 |
| 00,00 | in a part of the NW 1/4 of Section 4, Cascade Township owned by Scotts | / | 68040 |
| | Properties Inc. | | |
| 19.65 | located south of 65 th Street NW and west of 50 th Avenue NW in a part of | 8 | 68042 |
| | the NE ¼ of Section 7, Cascade Township owned by Elizabeth Ripley | · · | 00072 |
| 57.22 | located north of East Circle Drive (CSAH 22), east of 16th Avenue NF and | 9 | 68045 |
| | 35 th Street NE in a part of the NW 1/4 of Section 19, Haverhill Township | | |
| 40.04 | owned by Stonehedge Development LLC | | |
| 48.01 | located south of 55 th Street NW and east of 60 th Avenue NW in that part of | 10 | 68044 |
| | the W ½ of the NW ¼ of Section 18, Cascade Township owned by Lloyd R | 1 | |
| 49.45 | Kingsbury Trustee | | |
| 49.45 | located along the north side of 55 th Street NW, west of 50 th Avenue NW | 11 | 68049 |
| | and south of the Douglas Trail in part of the East ½ of Section 7, Cascade Township owned by Joel Bigelow & Sons Enterprise | | |
| 59.13 | located along the north side of Salem Road SW (CR 25) and along the | | 22122 |
| 33.10 | east side of Westhill Drive SW in part of the East ½ of Section 8, | 12 | 68189 |
| | Rochester Township owned by Bamber Valley Development LLC | | 68187 |
| 54.98 | located along the west side of County Road 1 and along the north side of | 13 | 69420 |
| | US Highway 52 in part of the NE ¼ of Section 24, Rochester Township | 13 | 68420 |
| | owned by Mark Leitzen | | 68419 |
| 35.44 | located south of 75 th Street NW and along the east side of US Highway 52 | 14 | 68421 |
|] | In that part of the NW 1/4 of Section 4, Cascade Township owned by | ' | 00421 |
| | Scotts Properties Inc. | | |
| 12 | located north of Viola Road (CR 2), west of Osjor Estates and east of | 15 | 33485 |
| | Schaeffer Lane NE in Section 29 of Haverhill Township owned by Todd & | | 33597 |
| 10.05 | Lisa Ustby | | |
| 19.35 | land located west of 18th Avenue SW (CR 147), west of Hart Farms | 16 | 62023 |

| | Subdivision, north of 40 th Street SW in the North Half of the SW ¼ of Section 22 of Rochester Township owned by Arcon Development Inc. | | |
|-------|--|----|----------------|
| 25.61 | located north of East Circle Drive and east of Northwood Hills 2 nd Subdivision in a part of the East ½ of the NW ¼ of Section 19 of Haverhill Township owned by Stonehedge Development LLC | 17 | 68046 |
| 59.99 | located along the north side of 40 th Street SW and along the west side of 18 th Avenue SW in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township owned by Arcon Development Inc. | 18 | 41923 |
| 49.99 | located along the west side of 18 th Avenue SW, north of the Hart Farms Subdivision in a part of the NW ¼ of Section 22 of Rochester Township owned by Eugene D. Peters | 19 | 64285 |
| 32.82 | located east of Bandel North Subdivision and north of Boulder Ridge Lane NW in a part of the NE ¼ of the NE 1/4, Section 9, Cascade Township owned by Big DE Development Company | 20 | 61297 |
| 12.41 | located north of Salem Road SW (CSAH 25), north of the proposed Bamber Valley Estates development and east of Bamber Valley Farms 2 nd Subdivision in a part of the East ½ of Section 8 Rochester Township owned by Bamber Valley Development LLC | 21 | 68190 68188 |

LIST "B" - PARCELS TO BE REMOVED FROM RSD LIST < 5 ACRES or DO NOT MEET REQUIREMENTS FOR RSD

| OWNER |
|--------------------------------|
| Hayden Properties LLC |
| Hayden Properties LLC |
| Hayden Properties LLC |
| Aspen Enterprises of Roch Inc. |
| Hayden Properties LLC |
| Hayden Properties LLC |
| Hoaglan Builders Inc. |
| Hayden Properties LLC |
| |



| 067734 | Hoaglan Builders Inc |
|--------|--------------------------|
| 067735 | Hayden Properties LLC |
| 067736 | Hayden Properties LLC |
| 067737 | Hayden Properties LLC |
| 067738 | Hayden Properties LLC |
| 067739 | Hayden Properties LLC |
| 067740 | Hayden Properties LLC |
| 067741 | Hayden Properties LLC |
| 052208 | Mayo Foundation (used as |
| | a parking lot) |

LIST "C" - PARCELS TO BE REMOVED FROM RSD LIST TAX EXEMPT LANDS

| PIN# | OWNER |
|--------|---------------------|
| 063472 | People of Hope |
| | Church of Rochester |
| 069034 | State of MN |
| 067972 | State of MN |
| 067968 | State of MN |
| 067970 | State of MN |
| 067974 | State of MN |
| 067404 | City of Rochester |
| 067406 | City of Rochester |
| 068626 | City of Rochester |
| 052312 | City of Rochester |

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City Planning and Zoning Commission Minutes

Hearing Date: August 13, 2003

- 7. The applicant will need to apply for the Type I Design Modification for the height of the cross.
- 8. The applicant agrees that no deviation to the appearance of the building, design, exterior façade or landscaping will occur from the plans approved by the City Council.

The Commission took a 5 minute break,

OTHER BUSINESS:

1. Parcels included in the Rural Service District

Mr. Brent Svenby presented the staff report, dated July 29, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Haeussinger moved to recommend to include Parcels in the Rural Service District as recommended by staff. Ms. Petersson seconded the motion. The motion carried 8-0.

2. Internal Lighting of Wall Signs

Mr. Brent Svenby presented the staff report, dated August 1, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Staver moved to initiate a text amendment with regard to internal lighting of wall signs. Ms. Petersson seconded the motion. The motion carried 8-0.

3. 2004 Budget

Mr. Wheeler presented the 2004 City Planning Commission budget.

Ms. Wiesner asked if membership should only be given to the Chairperson and they could disseminate the information to the other Commissioners as a cost saving plan.

Mr. Wheeler responded yes.

Ms. Wiesner asked if money could be used from one category for another. Otherwise, she suggested a miscellaneous category.

Mr. Wheeler responded that they could use the money in one category for something else.

The Commission asked what they had been spending their money on.

Mr. Wheeler responded that they have generally just been using it for their Annual Meeting dinner.

Ms. Wiesner asked where the money goes, if it is not used by the end of the year.

Mr. Wheeler explained that it now goes back to the City's general fund and does not get carried over.



REQUEST FOR COUNCIL ACTION

MEETING DATE: 9/3/03

737

| AGENDA SECTION: | CDICINATING DEDT | 1754 NO |
|--|--|---------------------------|
| RESOLUTIONS AND ORDINANCES | ORIGINATING DEPT: CITY ATTORNEY'S OFFICE | G ITEM NO. |
| ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES | | PREPARED BY: TERRY ADKINS |
| G. 1. RESOLUTIONS | | |
| G. 2. FIRST READING OF ORDINANCES, as appropriate. | | |
| G. 3. SECOND READING OF ORDINANCES (for adoption). | | |
| None Scheduled. | | |
| G. 4. MISCELLANEOUS | | |
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| COUNCIL ACTION: Motion by: | Second by: | to: |
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